

Aug. Aug. 23/17

CALENDARS.

Instructions to Editors.

The Master of the Rolls desires to call the attention of the Editors of Calendars to the following considerations, with a view to secure uniformity of plan in the important works on which they are engaged :—

He is anxious to extend, as far as is consistent with proper economy and despatch, the utility of the Calendars of State Papers now publishing under his control : 1st. As the most efficient means of making the national archives accessible to all who are interested in historical inquiries ; 2nd. As the best justification of the liberality and munificence of the Government in throwing open these papers to the public, and providing proper catalogues of their contents at the national expense.

The greater number of the readers who will consult and value these works can have little or no opportunity of visiting the Public Record Office, in which these papers are deposited. The means for consulting the originals must necessarily be limited when readers live at a distance from the metropolis ; still more if they are residents of Scotland, Ireland, distant colonies, or foreign states. Even when such an opportunity does exist, the difficulty of mastering the original hands in which these papers are written will deter many readers from consulting them. Above all, their great variety and number must present formidable obstacles to literary inquirers, however able, sanguine, and energetic, when the information contained in them is not made accessible by satisfactory Calendars.

The Master of the Rolls considers that, without superseding the necessity of consulting the originals, every Editor ought to frame his Calendar in such a manner that it shall present, in as condensed a form as possible, a correct index of the contents of the papers described in it. He considers that the entries should be so minute as to enable the reader to discover not only the general contents of the originals, but also what *they do not* contain. If the information be not sufficiently precise, if facts and names be omitted or concealed under a vague and general description, the reader will be often misled, he will assume that where the abstracts are silent as to information to be found in the documents, such information does not exist ; or he will have to examine every original in detail, and thus one great purpose will have been lost for which these Calendars have been compiled.

As the documents are various, the Master of the Rolls considers that they will demand a corresponding mode of treatment. The following rules are to be observed :—

1st. All formal and official documents, such as letters of credence, warrants, grants, and the like, should be described as briefly as possible.

2nd. Letters and documents referring to one subject only should be catalogued as briefly as is consistent with correctness. But when they contain miscellaneous news, such a description should be given as will enable a reader to form an adequate notion of the variety of their contents.

3rd. Wherever a letter or paper is especially difficult to decipher, or the allusions more than ordinarily obscure, it will be advisable for the Editor to adhere, as closely as is consistent with brevity, to the text of the document. He is to do the same when it contains secret or very rare information.

4th. Where the Editor has deciphered letters in cipher, the decipher may be printed at full length. But when a contemporary or authorised decipher exists it will be sufficient to treat the cipher as an ordinary document.

5th. Striking peculiarities of expression, proverbs, manners, &c., are to be noticed.

6th. Original dates are to be given at the close of each entry, that the reader may know the exact evidence by which the marginal dates are determined.

7th. Where letters are endorsed by the receivers and the date of their delivery specified, these endorsements are to be recorded.

8th. The number of written pages of each document is to be specified, as a security for its integrity, and that readers may know what proportion the abstract bears to the original.

9th. The language of every document is to be specified. If, however, the greater part of the collection be in English, it will be sufficient to denote those only which are in a different tongue.

10th. Where documents have been printed, a reference should be given to the publication.

11th. Each series is to be chronological.

12th. The Prefaces of Editors, in explanation of documents in the volume, are not to exceed fifty pages, unless the written permission of the Master of the Rolls to the contrary be obtained.

* * Editors employed in foreign archives are to transcribe at full length important and secret papers.

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CORRIGENDA.

- Page 87, line 9 from bottom, for Pitt read Kitt.*
- „ *139, line 3, for Charles II read Charles III.*
- „ *168, line 14 from bottom, add, after Plantations, to the Queen.*
- „ *221, line 19, for ground read cause.*
- „ *225, line 3 from bottom, for case read condition.*
- „ *344, line 23, for trains read teams.*
- „ *379, line 1, for Barland read Borland.*
- „ *384, line 10, add 3 pp.*
- „ *385, line 20, for Attorney read Solicitor.*
- „ *637, line 10, for in read is.*
- „ *649, line 5 from bottom, for doubt not read doubt [not].*
- „ *661, lines 13, 14 from bottom, read as to the money collected by Richard.*
- „ *707, line 15 from bottom, add 1 p.*
- „ *710, line 16, for learn read perceive.*
- „ *736, line 3, for regress read negress.*
- „ *747, line 9 from bottom, for guns read tuns.*
- „ *749, line 5, for J. read Richd.*
- „ *758, 20 lines from bottom, for Lette read Seth.*
- „ *768, line 7 from bottom, for American read African.*
- „ *778, line 15, for —? read Mutford (?).*

PREFACE.

§ 1.

GENERAL.

This volume has been compiled and edited in the intervals of other work more closely connected with the World-war which began in August, 1914. The events recorded in it are over two hundred years old. But many of them have an interest which has been redoubled by recent occurrences. At that time, too, a world-war was being waged on land and sea. England, with her Allies, was fighting on the Continent, on the self-same *terrain* in Flanders as now, and elsewhere throughout the globe. She was struggling then to obtain that complete mastery of the seas, which in this war she, with her Allies, has established and held from the beginning. The foundations of International Law were being laid. For many of the same problems of trade, of the rights of neutrals, of contraband, prizes, and of losses at sea, of treatment and exchange of prisoners, and so forth, arose at the beginning of the eighteenth century, and became the subjects of discussion, or petition, couched in some cases in language startlingly similar to that which has been used of late.

The grant in aid of Nevis and St. Christopher's, voted by Parliament on the occasion of Iberville's raid on the Leeward Islands in 1706, formed a precedent for the compensation granted to the sufferers from the Scarborough raid of 1915. For the British Empire, the important problem of what contribution the Colonies should make towards Imperial Defence had not been then so happily solved.

By a curious coincidence, upon the very day on which England declared war upon Germany for her violation of Belgium, the Editor happened to transcribe the words in which the Secretary of State announced to the Governors

of the American and West Indian Colonies the good news of Marlborough's wonderful victories in Flanders, and prophesied that the arms of England and her Allies would be completely victorious (501).

Act of
Union.

Not less important than Marlborough's military achievements abroad, was an act of legislative wisdom performed at this time at home. For the pre-eminent event in domestic affairs during the two and a half years now under review, was the passing of the Act of Union. It was destined to have far-reaching consequences in the development of the Colonies. For the Act of Union admitted Scotsmen to a share in the heritage of the British Empire. They were not slow to make abundant and loyal use of an opportunity for which the enterprise of the Darien scheme and other incidents recorded in previous volumes of this *Calendar* had shown that they were ripe. The question of the status of Scotch traders and settlers in the Plantations was laid for ever. Governors were instructed to publish the Act in the most solemn manner, and to look upon "Scotchmen for the future as Englishmen to all intents and purposes whatsoever" (883, 889, 905). Apart from the disabilities in point of trade and otherwise from which Scotsmen had suffered before the Kingdoms were united, the attitude of some unthinking Englishmen towards them is curiously exemplified by a proposal which emanated from the Governor of the Leeward Islands whilst the delicate negotiations for the Union were in progress. Col. Parke, anxious to lead an expedition against Martinique, asked for "10,000 Scotch with otmeal enough to keep them for 3 or 4 months." He proposed to settle them there, if successful, and, if not, to get those knocked on the head "who are so zealous to maintain the Kerke" (123). The Secretary of State disapproved of this ill-timed scheme, and informed the gallant officer that her Majesty looked upon Scotchmen as "good subjects and good Christians, too good to be knock'd on the head upon so wild a project" (834).

The Earl of
Sunderland
Secretary
of State.

The Statesman who administered this salutary snub was the Earl of Sunderland. He had succeeded Sir Charles Hedges in the office of "Secretary of State in the Southern Province," as he informed the Governors of Plantations

in December, 1706 (658). He soon took an opportunity of asserting himself with the Council of Trade. He insisted that all business connected with his province should be submitted to him before being brought before the Privy Council and the Queen (703). Six months later the Commissioners of Trade were uneasily aware of a tendency on the part of the Minister to decide matters relating to the Colonies over their heads and without reference to them. They took occasion to request his Lordship that "when anything is ordered by H.M. which relates to the business of the Board, we may from time to time be acquainted therewith" (1067). It cannot be said that the decisions of the Minister, when they were made contrary to the advice of the Board, were either wise or fortunate. The contrary was notably the case in the affairs of Newfoundland at this period.

Patent
Offices.

Meanwhile the evil system of Patent Offices, against which the Board had so often protested, grew and struck deeper roots. The misuse of the Plantations for providing sinecure posts for the relatives and supporters of Ministers is frequently indicated (559, 591, 604 *etc.*). The consequent evils of absentee officials, absentee officers, absentee landlords and Councillors, and underpaid deputies became increasingly apparent (559, 591, 604, 1220, 1380).

The War of
the Spanish
Succession.

But matters of more vital importance than the multiplication of sinecures might well have absorbed all the energies of Ministers, and did naturally employ them to a large extent. The varying fortunes of the Allies in Flanders, Italy and Spain are reflected in the despatches of the Minister "for the Southern Province." The war was prosecuted with spasmodic energy in the Western hemisphere. Raids were carried out by one side or the other in Carolina, the Bahamas, Nova Scotia, Newfoundland and the Leeward Islands. But the fate of the English, French and Spanish Colonies was being decided by Marlborough's armies and the English high sea fleets. Successes by the Allies on the Continent were immediately communicated to the Governors of the Plantations by flying packets (325, 403, 417, 454, 486, 501). Thanksgiving

The Spanish
in the West
Indies.

Days were ordered to be celebrated in the Colonies (343, 354, 357.i.). Great pains were taken to keep the

Spaniards in the West Indies fully apprised of Marlborough's victories and the successes of the Allies in Catalonia and Italy. Every effort was made to induce the Governors of Cartagena and Havanna to declare for Charles III (33.i.). Under the impression produced by the fall of Barcelona, the success of the Allies on the Portuguese frontier, and the victory of Ramillies (17, 313, 325), the Spanish Governors appeared to incline that way. But when the balance began to swing in favour of Philip V, the influence of France, backed by French men-of-war, quickly reasserted itself.

Admiral Whetstone in the Spanish West Indies. Rear-Admiral Whetstone sailed from Jamaica with "a noble squadron" for the Spanish Main in the summer of 1706, and, acting under instructions from Mr. Secretary Hedges, endeavoured to induce the Spanish Governors to throw off the French yoke by the promise of the aid of British arms (33, 33.i., ii., 68, 461, 493.i.).

He was able to report that the majority of the Spaniards had a good inclination to Charles III, if they dared but show it. They were overawed, however, by the French forces. For Ducasse had recently arrived with a squadron off the Spanish coast, with the intention of convoying the galleons home (376, 377).

General Handasyd and the Spaniards. Whetstone's efforts were seconded by the diplomacy of General Handasyd. In letters addressed to the Governor of Cartagena, he insinuated that the French intended to seize Cartagena and the Havanna, and promised, in the name of the Queen, that those Spanish Governors would be rewarded who should "declare for King Charles III, shakeing off that avaricious and devouring French Batt" [= *Vampire*] (221, 221.iii., iv.). As a result of these representations he was able to report a rebuff to the French interest on the part of the Governor of Cartagena (458). The Spaniards refused to allow any French men-of-war or merchant ships to enter their ports. And when they endeavoured to force their way ashore at Havanna, the Spanish guard fell on them and killed some ninety of the Frenchmen. Handasyd concluded that the Spaniards in general, except such as were mere pensioners of the French, were zealous for the interest of the House of Austria (554).

The French, on the other hand, wooed the Spaniards by boasting that, whilst we were amusing ourselves at Catalonia, they would sweep the English Colonies, and prove more useful to the Spaniards than we could be, by furnishing them with negroes from our Islands (337, 338, 443).

French pre-
dominance.

The reaction came when the news of the failure of the Allies reached the Spanish in the West Indies, at the beginning of 1707 (735). The French party triumphed in New Spain in proportion to the success of the Duc d'Anjou in Old Spain. Governors who were reputed to be in the interest of Charles III were turned out and their places filled by those whose loyalty to France was above suspicion (793). Admiral Sir John Jennings, arriving on the Spanish coast, met with but a cold reception. He found that those who had dallied with the proposals of Sir William Whetstone and General Handasyd, when Charles III was proclaimed King, were now suddenly converted again to the cause of Philip V, when it was known that his Catholic Majesty was restored to the Court of Madrid. In his defence they were prepared to spill the last drop of their blood. So the Governor of Cartagena replied to the blandishments of the English Admiral (735.i.). In vain did the Earl of Sunderland insist upon the desperate situation of France, and the vigour of the effort which was being prepared by the Allies (837).

Capture of
Spanish
galleons.

The energies of the English Fleet in those parts were now mainly directed towards the capture of the Spanish galleons, when they should sail for Old Spain, laden with the treasure of Philip V (752, 793, 797). Their movements had long been carefully watched. At the end of November, 1707, Commodore Wager sailed from Jamaica for the Spanish coast, with the object of intercepting them (1223). Here he received intelligence of the arrival of a strong French squadron at Martinique under M. Ducasse (1223, 1223.i.). Prudence compelled him to return to Jamaica, after losing one ship through bad weather (1250, 1379.i.). The presence of Ducasse caused some apprehension of an attack upon Jamaica, Barbados, or the Leeward Islands. His real business,

however, was to escort the Spanish galleons to Europe (838, 961, 1087, 1201). They had refused to trust themselves to the care of Iberville two years before (499). Ducasse proceeded to Havanna, and there awaited the arrival of a fleet of Spanish merchant ships and galleons, which had sailed from Cartagena for Porto Bello in January. Commodore Wager thereupon came out from Jamaica and lay in wait in the passage between Porto Bello and Havanna, in order to intercept them on their voyage to join Ducasse. His weakened squadron was partly manned by soldiers drafted from the regiment at Jamaica. If he could lie there undiscovered, he would have the Spanish treasure-ships at his mercy, for the French squadron would be prevented from coming to their rescue, owing to the great distance and contrary currents (1339, 1487, *p.* 714). His long watch was at length rewarded. In the beginning of June, unaware of his presence, the Spanish galleons came out. Commodore Wager engaged the Spanish Admiral, and blew up his ship. He then captured one galleon; another escaped from the *Kingston* into Cartagena; a fourth was forced ashore, where her crew only partly succeeded in destroying her.

The value of the treasure in the three ships so captured and destroyed was said to amount to some fifteen millions sterling. But, like Benbow, Commodore Wager was badly supported by the other ships under his command. The commanders of the two men-of-war and the fireship, which completed his squadron, left their chief to do the fighting (1551, 1551*i.*).

Trade with
the
Spaniards. We have seen, in the previous volume, that trade had been re-opened with the Spaniards. The importance of it was emphasised by Sir Charles Hedges when he sent the Queen's Instructions to General Handasyd to win over the Spanish Governors. He explained that the French were working themselves into the Spanish West India Trade, and were endeavouring to monopolise it, through the agency of M. Ducasse and the Assiento (33, 33*i.*, ii., 68). The trade was accordingly pushed from Jamaica and Barbados, with results which fluctuated, naturally, as the progress of the Allies and the influence of the French waxed and waned (735, 777, 998, 1223, 1250,

Complaint against Commodore Kerr. 1339, 1591). Its development was retarded by the behaviour of the English Commodore, William Kerr. Jamaica merchants complained that he exacted large sums from them as the price of providing them with a convoy of H.M. ships. When they refused to pay the extortionate sums demanded, they lost their ships to privateers. When they paid, their profits ceased to be proportionate to their risks. On returning from their voyage, their sloops and their cargoes were liable to be seized by the Commodore on frivolous charges of illegal trade. These matters were made the subject of investigation by a Committee of the House of Lords. There was some complaint also of the piratical behaviour of certain Jamaican sloops in those latitudes (1180, 1199, 1204, 1277).

Prizes. When a Commodore was capable of such blackmailing tactics, it is not surprising to find that great abuses were common in the Plantations in the matter of prizes. It was deemed necessary to instruct Governors to interpose with their authority and advice in all differences between the Agents for Prizes and the Captains of ships of war (59, 1330.viii., 1482.iii.-vi.).

Rights of Neutrals. An attempt on the part of some Swedish merchants to cut into this coveted trade with the Spanish West Indies under the ægis of the British flag, was not encouraged by the Council of Trade. But whilst not deeming it desirable to foster any such efforts on the part of foreign countries, they stated clearly enough that the Swedes, being neutrals, could not be prohibited from trading to the Spanish West Indies with goods not contraband (1172, 1188, 1234).

Privateers. The damage wrought by French privateers continued to be very great. Five out of eleven Virginia merchantmen, for instance, were taken off the Canaries (323). But the biter was sometimes bit. The master of an Irish vessel, attacked by a sloop of greatly superior force, captured his aggressor and brought her in. He had himself already been taken three times during the war (432). Another instance of pluck upon the part of the mercantile marine was the feat of one Coleby, the commander of a trading sloop, who fell in with a French privateer of superior

equipment, which had taken many of our trading sloops off the coast of Cartagena. Coleby gave fight, and, after repelling three attempts at boarding him, turned the tables by capturing the privateer (17).

Convoys.

With the seas so infested by enemy privateers, the question of convoys for the merchant fleets became increasingly a matter for concern. Moreover, the French raid upon the Leeward Islands, to which we shall refer more particularly when dealing with the West Indies, created something like a panic in all the American Colonies. The Council of Trade recommended the despatch of convoys at regular periods, adapted so far as possible to suit the occasions of all traders in the Colonies concerned, so that the homeward-bound ships might all sail together under convoy (72). Great losses had been incurred by the Virginia and Maryland fleets coming away so late the year before (672.i.). Orders were given to this effect (772). A report by Col. Quarry emphasises the disastrous results of "the late distractive and irregular way of fleets" upon the tobacco market (130.i.). It was not, however, so easy to reconcile the divergent views and interests of the trader at the various home ports. When they consulted them, the Council of Trade found that the problem of the London merchants differed from those of the Liverpool, Whitehaven and Bristol shippers. The Whitehaven men wished to sail later than the London, agreeing with the Liverpool men that Col. Quarry's proposal of one convoy a year to Virginia and Maryland was not to be desired, and that all ships should have liberty to sail as they got ready (159, 242, 295.i.). Contrary to the recommendations of the Board, permits were granted in increasing numbers for ships to sail without convoy, much to the benefit of the enemy's privateers and to the loss of H.M. Revenue (63.i., *etc.*). The whole matter was presently brought before the House of Commons (1214.i., *see below*, § 3, *Newfoundland*).

The Tobacco Trade.

The tobacco trade, especially, was affected by the insecurity of the seas. Maryland and Virginia, the chief tobacco Colonies, suffered severely in consequence. No trade, the Surveyor General of the Customs reported in the memorial already referred to, was worse managed. Apart from the irregular sailings of the convoys, and the capture

of tobacco-laden runners, two causes are suggested as contributing to the dislocation of the tobacco market, and the consequent ruin of planters and merchants. One is, that the Continental trade in American tobacco was being cut into by the growth of tobacco in Holland and Germany; the other, that certain English merchants had obtained a concession from the Czar for setting up the manufacture of tobacco in Russia, and were endeavouring to obtain a monopoly of importing it (130, 131.i., 225). Besides this, the markets of France, Spain, Flanders, Portugal and the Baltic were now, in whole or in part, closed to the English exporters. To remedy these evils, the merchants made several proposals. The opening of the markets of Spain, Portugal, Russia and Sweden, and liberty for H.M. subjects to export tobacco from England to France in neutral bottoms, were amongst the remedies proposed by them, and recommended by the Board of Trade. The suggestion that all tobacco used by our soldiers and sailors abroad should be manufactured in England, and allowed the same drawback as for foreign exportation, did not, however, meet with their approval (130.i., 200, 201, 225, 250, 293, 295.i., 684, 990, 992). A report upon the whole matter was presented by the Council of Trade in July, 1707 (1024.i.).

The Woollen
Trade and
the
Plantations.

The use of the word Plantations indicates very suggestively the attitude of England upon the whole theory of colonisation at this time. "The Plantations," observed Mr. Secretary Hedges, "are to be valued as they are more or less valuable to England" (71). Economically, at this stage of their development, Colonies and Mother-Country could be mutually most beneficial to each other, if the Plantations produced raw material to be worked up in the factories at home. So applied, the manufactures of England could be produced for the Colonial market much better and more cheaply than similar goods could be made there. Towards the development of this end, the English Government applied all its influence. Any tendency to manufacture woollen goods, articles of dress, or to build ships, was actively discouraged. Every effort was made to concentrate the energies of the Colonists within their proper sphere, the production of rice, tobacco, sugar,

flax, hemp, potash, timber, pitch and tar (71, 127, 157, 232, 233, 423, 523, 641). The Council of Trade, however, did not support the extravagant proposal of the English wool-merchants, who were capable of ignoring the consumer's point of view so far as to suggest that the planters should be obliged by an Act of Parliament to clothe their servants and slaves with English woollen goods at fixed prices. They also made other proposals for taxing imports into the American and West Indian Colonies, pleading that the planters had paid no taxes towards the war, whilst England was put to vast expense to defend them (365.ii.). In negating the proposal, the Council of Trade pointed out that those branches of trade, which were proposed to be taxed, were, in fact, already in great measure subject to taxation, and they laid down the principle that, "the wares and merchandises of any sort to be sent from England for the supply of the Plantations, ought rather to be recommended to H.M. subjects there by their proper goodness, usefulness and cheapness than be imposed upon them by a rated price, by the power and compulsion of Laws, which would be the greatest discouragement to trade" (641).

Naval
Stores.

The production of Naval Stores—pitch, tar, hemp and timber for the use of the Navy—had long been encouraged in the Plantations by the Government. The growth of this trade, stimulated as it was by the Act which granted a premium to the importers, is indicated by Custom House returns, and Mr. Bridger's reports (363.i., 544, 641, 691, 788, 1186, 1384, 1395). Adopting the suggestion of the latter, who had been sent to superintend this industry and to instruct the planters in the manufacture of pitch and tar, it was decided not to apply too stringent a test to the quality of the goods sent over, for fear lest traders, if they failed to receive the premium, might be inclined to turn their energies into other channels (631, 673, 1218.i.).

New Acts of
Parliament.

Apart from the Act of Union, three Acts of Parliament were passed during 1707 and 1708 directly concerning the Plantations. The first was an Act "for the more effectual suppression of piracy," of which, however, very much less has lately been heard in these pages (872).

The others were "for the encouragement of trade to America" and "for ascertaining the rates of foreign coins in H.M. Plantations" (1440, 1477). The latter Act, which was prepared by the Council of Trade, was rendered necessary by the refusal of many Colonies to obey the Proclamation of 1704 (976.i., 1157, 1260, 1261, 1268, 1274, 1278, 1289, 1309, 1318). The unsatisfactory state of the currency, and its evil effects upon trade are indicated in Lord Cornbury's despatch in 1706 (463). The Council of Trade had already enunciated some plain principles of political economy for the benefit of the Assembly of the Massachusetts Bay (85). But in vain. The Propriety and Charter Governments in particular clung to their old bad ways of clipping coinage, and altering the value of the currency. In the Islands, the Proclamation had been obeyed in some cases, but not in others. The result was that money flowed to those places where the price of the currency was enhanced. Barbados, which had obediently adopted the lower rates prescribed by the Proclamation, found itself drained of cash. To supply the deficiency, it passed the disastrous Paper Act, to which we shall presently refer, § 3 (976.i.).

Propriety
and Charter
Govern-
ments.

The disobedience of the Propriety and Charter Governments in this matter was urged by the Council of Trade as yet another proof of the desirability of resuming them to the Crown. A Bill for their better regulation had already been prepared (18, 88, 120, 121). It was introduced into the House of Commons by Mr. Blathwayt, the former Commissioner of Trade, February 23, 1706, but it was thrown out on the first reading, March 2.* (*See below*, s. Carolina, § 2.)

New
Instructions
for
Governors.

The passing of these and other new Acts and the development of the produce of the Plantations involved certain alterations in the Instructions of Governors. The Council of Trade took the opportunity offered by the appointment of a new Governor of New York to introduce these alterations. By the recent Act, for granting a subsidy, rice, molasses, pitch and tar were included in the "enumerated commodities" (1496, 1599.ii.).

* House of Commons' *Journal*.

The unhappy consequences of the Paper Act in Barbados gave occasion for a new Instruction to Governors forbidding them to pass any Acts of an extraordinary nature or importance, without having first received the Royal sanction (546, 566, 583). The crisis arising in the same Island from the same cause led to the issue of an Order that members of Councils in the Colonies who persisted in absenting themselves from their duties were to be suspended (948, 1153.i., 1203). The Council of Trade pointed out to the Earl of Sunderland that the granting of leave to Councillors to remain in England without their knowledge was likely to nullify the object aimed at by this Order (220). It is to be observed that, whilst the position of Councillor was coveted in some Colonies, whether as a post of honour and influence, or a source of perquisites, or a refuge from judicial proceedings and the recovery of debt, in others, as for instance, in New Hampshire and the Leeward Islands, the office was regarded as a liturgy without profit, involving much labour and expense, with little or no return. In the latter case, Councillors were, not unnaturally, little inclined to pay fees for the honour of serving their Queen and Country. They took exception, therefore, to the new method of appointment by warrant, of which some indications occur in this volume, and which involved the payment of fees by those appointed (789, 1077, 1085, 1396, 1504).

The position of the President of the Council, in case of the death of a Governor, was liable to be called in question, and had, within the last few years given rise to serious controversies in New York, Virginia, and Barbados. Upon the occasion of the appointment of a new Governor of Virginia, the Council of Trade therefore secured the issue of a new Instruction to all Governors appointed by the Crown, that, in the case of the death or absence of Governor and Lieutenant-Governor, the President, or eldest member of the Council, was in future to act as Governor for the time being (859.i., 860, 861, 874.ii.).

Changes in
the Council
of Trade.

These and other matters kept the Council of Trade fully occupied. When, in 1707, some changes were made in the Board, they added to their labours by addressing

African
Negro
Trade.

a series of questions to the Governors, and reiterated former injunctions as to returns of accounts, Acts, and Minutes, which had been but very irregularly observed hitherto (896, 904, 1006). Amongst these was an enquiry as to the working of the African negro trade (1434).

The new Commission consisted of Lords Stamford, Dartmouth and Herbert of Chirbury, Sir Philip Meadows, John Pulteney and Robert Monckton. With them, apparently, George Stepney was associated (904, 1284). As Secretary, already a Popple to a Popple had succeeded. For upon the retirement of William Popple, his son, of the same name, who had been acting as Deputy Secretary, was appointed (933). An interesting little example of the compliments which passed between him and some of the men of position in the Colonies is preserved in the note from the President of the Council of Virginia :—
“Mirtle wax was not to be had. . . . Birds are difficult to be got or kept alive. . . . I hope to send you some squirrels” (485). This myrtle wax, it may be observed, was made out of myrtle-berries and used for making green wax candles. The new Commissioners drew attention to the increasing business of the Office, and, upon the occasion of the new Privy Seal, demanded the addition of a new clerk (1147, 1147.i.). The under-officers of the Department were reduced to great straits, owing to the long delay in settling the arrears of their salaries (1065, 1066).

A Com-
mercial
Agent.

The appointment of a Commercial Agent to the Board was suggested. His reports, as he said, would contribute to a sort of Trade History of England. The Council of Trade replied that they were already sufficiently well served. Their answer furnishes a valuable sidelight upon the methods of the Office, and the relations of the Board with prominent merchants at home and abroad (967, 1192).

Communi-
cations.

Mr. Dummer's Packet-boats continued to provide an improved channel of communication with the Colonies, and also to collect intelligence for the use of the Board (386, *etc.*). But, even so, means of communication with the mainland were still so imperfect that Governor Dudley complains, in 1706, that he has had no letter from the

Board for nine months, and hardly any opportunity of writing to them (443). Lord Cornbury received no letter from them for a whole year. Proposals for extending Mr. Dummer's mail-service to the mainland appear to have hung fire.

Refugees. A thin stream of Protestant Refugees from the Continent continued to flow through England to the Plantations (30, 144.i., 172). Two groups in particular, of Protestant Refugees from High Germany, after being entertained and naturalised at the expense of the Government, were despatched to New York, and provided for. Their trades, and their names—somewhat obscured in the process of naturalisation—are given (1442.i., 1445, 1456.i., 1506, 1565.i., 1594).

§ 2.

THE AMERICAN COLONIES.

The
Massachu-
setts Bay,
Dudley's
complaints.

At the beginning of the period under review, Governor Dudley is still loud in his complaints as to his scurvy treatment at the hands of the Assembly of the Massachusetts Bay. His only offence is asserted to be his "care and attendance on the Church of England, and the strict pursuit of H.M. commands" (97.i.). But the Assembly still refused to vote supplies for the support of the Government (511). The Judges were still miserably underpaid. The Lieutenant-Governor, Povey, was starved into throwing up his post (*p.* 31, *No.* 76). And, in face of the persistent refusal of the Assembly to comply with the demands of the Crown, the Council of Trade were obliged to confess themselves unable to remedy matters. They commended Dudley's action, however, in regard to the Speaker, and reasserted the Queen's right to veto the choice of a Speaker or of Members of Council (85). Dudley reiterates his old complaint that, in spite of all H.M. commands, he had not received the assistance of one man or one penny from Connecticut or Rhode Island towards the present war, and he sends home another instance of the infringement of the Admiralty jurisdiction by New England justices—an infringement described by the Advocate-General as "very irregular" (69, 815).

A question
of Preroga-
tive.

Admiralty
Jurisdiction.

Frontier
Defence.

As the result of his precautions in keeping a large force on the frontiers, Dudley had the satisfaction of being able to announce that the enemy Indians had been driven starving into Canada. He was in a position to refuse to purchase the release of prisoners, and to reject the truce proposed by M. Vandreuil, Governor of Canada (456, 511). Nay, more. Given four ships of war and some mortars, he once more undertakes to "remove all the French from Canada and Port Royal" (69, 69.ii., 511). His proposal was submitted to the Admiralty (70), and the success of his frontier policy praised by the Council of Trade (434).

The Vetch
Case.

Before long, however, a noticeable change comes over the tone of his correspondence. Whilst he insists more than ever upon the success of his measures against the Indians and his defence of the frontiers, he drops his complaints against Connecticut and Rhode Island, and, waiving the grievance as to his salary, confines himself to emphasizing the satisfaction of the Assembly and the people in the success of his measures (305, 443, 511, 947, 1135, 1186). The reason for this change of tone is evidently to be found in the scandal of the Vetch case, and the use made of it by Dudley's enemies.

It appears that Dudley had employed one William Rouse to carry some French prisoners to Port Royal, there to be exchanged for an equal number of New England and Virginian prisoners. He was also to ransom some English ships (525, 530.i.). He was forbidden to trade (530). But in company with some other masters of sloops—including an old adventurer from Darien, Samuel Vetch—he took the opportunity of trading with the Indians and French in the course of the voyage along the coasts of Newfoundland and Nova Scotia. The people of Boston, smarting under the frontier raids of the enemy, which had cost them so dear, were furious when they heard that they had been supplying the enemy with arms and ammunition, as well as provisions and clothing (536). There was a great outburst of popular indignation. The Governor yielded to the storm. He allowed the General Assembly, which was sitting at the time of their return, to take cognizance of the case, "as the Charter doth

admit." Acts were passed inflicting heavy fines upon the persons involved. The fines were so far beyond the means of the defendants, that they were equivalent to condemnation to prison for life. Dudley recommended that they should be remitted in part (525, 525.ii.).

Vetch and his companions in misfortune appealed against this judgment, stating their case, and claiming that the Assembly had acted *ultra vires*, and that, in any case, yielding to the pressure of the mob, they had inflicted fines that were extravagant (773.i., ii., 774.i.).

When the case was submitted to the Attorney-General, he gave it as his opinion that the Governor, Council and Representatives, composing the General Assembly, had by the Charter no judicial powers, and that the passing of these Acts would, if confirmed by the Crown, form a dangerous precedent in depriving H.M. subjects of their birthright as Englishmen, trial by a jury upon oath (787, 832).

Acts v.
Vetch, etc.
repealed.

Upon these grounds the Acts in question were repealed, the offenders being ordered to stand a new trial in the ordinary course of Law (873, 1121, 1122, 1504).

Indictment
of Dudley.

The matter, however, was not allowed to rest there. These men, it was rumoured, were only scapegoats. Great persons, it was asserted, were involved in this unsavoury matter (536, 637). It is probable that Paul Dudley was in it. But there is no evidence at all that the Governor was. His enemies, however, seized the opportunity of making an elaborate indictment of the whole administration of Joseph Dudley before the Privy Council (1100).

"Philopolites."

In a pamphlet published by "Philopolites," which has been re-printed in the *Sewall Papers*, Vol. II, and in which the influence of Cotton and Increase Mather is clearly traceable, the case against the Governor and his son is stated with the utmost venom, but not proven. The venom of the attack defeated its object. Dudley was charged with trading with the enemy, and the sporadic outrages of the Indians were laid to his charge (1100). He was able, in reply, to point to the success of his policy of frontier defence. His answer was effective (1186, 1186.ii.). And even Vetch's guilt, if he was guilty, was quickly condoned. For we shall presently find him

promoted to the rank of Colonel, and consulted upon the proposed expedition against Canada.

Expedition
v. Port
Royal.

Dudley had continued, meanwhile, to press his project of an attack upon Quebec and Port Royal (69, 70, 511, 526, 1186.i.). These places, he urges, might easily be reduced. Either of them would be "a very fair settlement for a Scotch Province" (*p.* 240).

Presently, in May, 1707, he despatched an expedition of a thousand musqueteers, in a score of sloops and brigantines from Boston, to ravage the French settlements in Nova Scotia. This force included a contingent from Rhode Island. They landed in the same month upon the Port Royal headland (947, 1135, 1186).

Reasons of
its failure.

The Expedition was a failure, so far as its objective was the capture of Port Royal. Col. Redknap, who sailed with it as H.M. Engineer, puts the best face on the matter by insisting upon the damage wrought amongst the cattle and habitations, which were burnt up to the very gates of the Fort, the number of prisoners brought back, and the insignificant losses of the expeditionary force (1347). Dudley echoes him. But he admits that our forces retired sooner than he had intended, and that he compelled them to return to Port Royal, though without avail. The strength of the Fort and garrison, and the lack of heavy artillery are alleged as their excuse (1135, 1186). The fact remains that having come up to the gates of Port Royal, the Expedition retired almost without having fired a shot. Col. Quarry, who emphasises the importance of Port Royal, hints at a black story of cowardice and ill-conduct. He asserts that, in spite of "all the misery that hath happened, and still threatens New England from the settlement of the French at Port Royall, yett there hath been and still is a trade carried on with that place by some of the topping men of that Government, under the colour of sending and receiving Flaggs of Truce" (1273).

Usher's
Account.

Lt.-Governor Usher (who, it must be remembered, had no love for his Chief) speaks of a "horible, shamfull miscarriage," due to the lack of a good soldier to manage the war (1592). In a diary of the Expedition, which is indeed anonymous, but which I attribute confidently to

Usher, as being unmistakably in his handwriting, spelling and style, he gives an exceedingly vivid and illuminating account of the bungling of this business, whether at first or second hand. Both Paul Dudley and Col. Redknap are directly blamed for cowardice and incompetence, if not worse (1592.ii.).

Prospect of
Reprisals.

The failure of the attempt upon Port Royal gave rise to fear of reprisals on the part of the French. Complaint was lodged at home that the Colonists of New York, so far from taking their share in the task of fighting the common enemy, were actually trading with the Canadian and Eastern Indians, and that the Governor of that Province had refused to urge the Five Nations to take up arms against the French. Once more a request was made to England for assistance from the Navy in order to reduce Port Royal (1511).

The *Charles*
galley.

Dudley makes his defence in the case of the *Charles* galley (511). In the same despatch he announces that Saco

Saco Fort.

Fort has been abandoned in favour of a site lower down the River. And once again he draws attention to the Republican attitude of the Council and Assembly, who have pointedly refused to return thanks to the Queen for the gift of Her portrait, which had been set up in the Council Chamber (p. 239).

Republican
attitude of
the General
Assembly.

Days of
Fasting and
Thanks-
giving.

A Day of Thanksgiving was observed for Marlborough's victories and a bountiful harvest, and a Day of Fasting in the hopes of a remission of sins and the success of the Port Royal adventure (525.iii., 1186.ix.).

List of
Causes.

A list of causes tried in 1706 and 1707 is indicated (1186.iv.). A petition was proffered for the establishment of a Court of Chancery (215).

Court of
Chancery.
Boston
News-Letter
and the
Quakers.

The Editor of the "Boston News-Letter" was taken to task for representing that the Quakers at home had unjustly complained against severe laws of the Province penalising them "for their conscientious dissent from the National way." Dudley, at the instance of the Council of Trade, reprimanded the writer, and "required him to tell his news without any reflection for the future." There was no Law, he declared, which was grievous to the Friends, saving the Military Laws (510, 510.i., ii., 511).

Effects of
the war on
Boston.

Col. Quarry calls attention to the ruinous effect of the war upon the trade of Boston, now reduced to a third of what it had been, in spite of infringements of the Acts of Trade and Navigation. The fishery and mercantile marine of the Province was in a fair way to be ruined by the French settlement at Port Royal "just under their noses" (1273).

Woollen
Trade in
New
England.

Although, as has already been pointed out, the manufacture of their own woollen goods by the planters was discouraged so far as possible, the suggestion that the importation of wool-combs into New England for the purposes of that "growing, thriving trade" was illegal, was not upheld (157, 232, 423).

Export of
Naval
Stores.

The Act *for the encouragement of the production of Naval Stores* had, however, begun to bear fruit. The attention of the Colonists was being turned from the working up of wool to the production of raw material (673). In the autumn of 1706 the mast fleet sailed from Piscataqua with 10,000 barrels of pitch and tar (550, 552, 552.i., and *see supra*). In the following year the contract of Mr. Collins for cutting masts for the Navy Board led to some confusion with Mr. Bridger and Governor Dudley (1186, *etc.*).

New Hamp-
shire Act to
prevent
waste of
trees.

In New Hampshire an Act was at length passed *for the better preservation of mast trees*, and the Governor endeavoured, but in vain, to induce the Representatives of the Massachusetts Bay to follow suit (1560).

Lt.-Gov.
Usher.

Mr. Usher, the Lt.-Governor, found his position increasingly unpleasant. The Council of Trade warned him that he ought to reside in the Province, in spite of the slights which had driven him to retire to Boston (846). Usher, not being able to obtain any grant towards his expenses or salary, then applied to be relieved of his office. At the same time he repeated a direct charge of embezzling and misapplying the Revenue and of mutilating the Records against his enemies, Waldron and Vaughan (536, 1592, 1592.ii.).

Charges v.
Vaughan,
Waldron,
etc.

George
Vaughan
appointed
Agent.

To his great indignation, this very Vaughan, this Republican who had urged that Usher's expenses in visiting his Government should not be paid by the Province, was, in his absence, appointed by the Representatives

to go to England as their Agent. This was done with Governor Dudley's assent and approval (1186, 1363, 1381). On his arrival at home, Vaughan laid before the Secretary of State an account of the "poverty and distressing circumstances of New England," with a request for a man-of-war and arms and munitions to protect New Hampshire (1514). The unsatisfactory state of the currency, the large profits exacted by the English manufacturers and merchants, and the expenses of the war were, indeed, as Usher explains, pressing heavily upon the New England Colonies (1592).

Case of
Thomas
Allen.

The inheritance of the Law-suit of the Proprietor, Samuel Allen, passed to his son, Thomas. In spite of the Queen's commands and the Governor's endeavours in accordance therewith, the New Hampshire Courts refused to find a special verdict in the trials concerning the property of the soil of the country. In 1708 the papers in the case were sent home to be laid before H.M. in Council on appeal (16, 204, 1186).

Acts of
New
Hampshire.

The Attorney General reported upon the Acts of New Hampshire in use in 1703. He took exception to some sixteen of them upon the various grounds of inexpediency, unreasonableness, bad draughtsmanship, infringement of the Queen's prerogative or the liberty of subject, excessive severity of the penalties inflicted or inconsistency with the English Law, *etc.* (369).

New York.

On the occasion of the Bill *for raising 1,700*l.**, the Assembly of New York had claimed the sole right of framing Money-bills, and had denied the Council's right to amend them. This claim the Council of Trade flatly disallowed (86).

New York.
Council of
Trade on the
claims of the
Assembly.

No Assembly in the Plantations, so it was now plainly stated, ought to pretend to all the privileges of the House of Commons, "which will be no more allowed them than it would be to the Councils, if they should pretend to all the privileges of ye House of Lords here." Apart from this, the Assembly was blamed for other irregularities in the Bill *for raising 1,700*l.**, whereby the royal prerogative was directly infringed. On the other hand, Cornbury was instructed that the appointment of a Treasurer by the Assembly in the case of extraordinary grants by

them earmarked for particular purposes, was to be permitted.

Cornbury
warned.

Whilst blaming the Assembly for what was amiss, the Council of Trade did not refrain from a broad hint to the Governor. They expressed the hope that no occasion had been given for the Assembly's distrust of the Government, and that " your Lordship has and will lay before them an account of all monies raised by Acts of Assembly, whenever they shall desire the same " (*p.* 45). If the Assembly were satisfied that the money they voted was rightly applied, they would be encouraged, it is suggested, to raise further supplies for the defence of their country, instead of making demands upon the Crown. For it was thought reasonable that each Colony should themselves make due provision for their own protection (86). Cornbury was urged, therefore, to press the Assembly to appropriate a fund for the purchase of arms, as was done in other Plantations. Meantime he was warned that his demands for further supplies of stores of war from home would not be granted, until a full account was received of those which had been sent in former years (304, 438).

Defence of
the Colony

Panic on
account of
Iberville's
raid.

Something like a panic reigned in New York when it was rumoured that Iberville, after his raid on the Leeward Islands, intended to destroy that city on his way home. It was remembered how, five years ago, he had lain off Staten Island, and made himself familiar with the soundings of the harbour. The Militia was called out and concentrated about the city. The Fort received some badly needed repairs, and some batteries were erected with feverish haste in order to defend the place, which, it was at last recognised, lay quite open to the attacks of an enemy (*pp.* 246, 247).

Vacating
Act
confirmed.

In 1707 the Council of Trade reviewed the question of those extravagant grants of land made by Governor Fletcher, and vacated under Lord Bellomont's administration. The Act, passed by Cornbury, repealing Bellomont's Act of Repeal was then in turn annulled, and the original Vacating Act confirmed (June, 1708), on the ground that such exorbitant grants as those made by Fletcher were highly prejudicial to the Province. A regrant of 2,000

acres only was made to each grantee, under certain conditions (1068.i., 1585, 1586).

Act concerning
Bayard and
Hutchins.

At the beginning of the same year, the necessary recognizances having been entered into, the Act of 1704, declaring the illegality of the proceedings against Col. Bayard and Alderman Hutchins, was at length confirmed, and that of 1705 was repealed (1175.i., 1264, 1265).

Probate of
wills, etc.

A question of general interest to the Plantations was raised by Cornbury with regard to the granting of letters of administration and the probate of wills in England. The problem is stated (517), and the Attorney General's opinion, afterwards issued as an instruction, appears (842 ; cf. 646, 1593).

Col.
Ingoldesby's
Commission
revoked.

The position of Col. Ingoldesby, as Lt.-Governor of New York and of New Jersey, having led to some friction, his commission for the former office was revoked, which was, indeed, stated to be one no longer needed (248, 256).

Settlement
of German
Protestant
Refugees.

The immigration of a party of Protestant Refugees from the Palatinate has been referred to above (§ 1, 1506 *etc.*).

Cornbury
and Vice-
Admiralty.

As Vice-Admiral, Cornbury had occasion to complain of the conduct of Capt. Miles, who used his powers of pressing seamen as a means of money-making, by disposing of the men he pressed to merchantmen, for a consideration (*p.* 245). Miles died shortly afterwards. A dispute then arose between Cornbury and Capt. Fane, the former claiming the right, as Vice-Admiral, of appointing Miles' successor, until H.M. pleasure should be known, the latter refusing to recognise Cornbury's jurisdiction, and insisting upon the appointment of his own nominee (666, 666.i.-v., *p.* 246).

In this Fane was upheld by the Admiralty, who made it clear that Cornbury had no manner of right to appoint officers to ships. His doing so was, indeed, "such an infringement of the known rights and authority of the office of Admiral as cannot in the least degree be dispensed with" (882).

Lord Corn-
bury and
Thomas
Byerley.

In the beginning of 1706 Thomas Byerley, the Collector at New York, complained that the Governor, by an Order in Council, had directed the costs of prosecutions, in cases of seizures for irregular trade, to be paid, not out of the

gross sum forfeited, but out of the Queen's third when the proceeds had been divided. The Governor's third was thereby freed of costs (90.i., 124). The Council of Trade reported that this arrangement was scarcely desirable. Byerley, whom Cornbury had suspended, was ordered to be restored to his office by the Lord High Treasurer, on the ground, amongst other reasons, that Cornbury had exceeded his powers in suspending him without first receiving instructions (304). Cornbury obeyed, so far as restoring Byerley to his office was concerned. But Byerley soon had occasion for further complaint. Lord Cornbury's nominee, Mr. Fauconnier, who had acted as Commissioner during his suspension, refused to restore the records of his office, and the Governor continued to persecute him (1231.i.-iii.).

Recall of
Cornbury.

Cornbury, indeed, was treated with over-much patience. But at length the scandal of his arbitrary and avaricious conduct, and his neglect of public business save for his own ends, was recognised as intolerable. The immediate occasion of his recall, judging by the dates on which the several complaints against him were received and read, would appear to have been the serious charges contained in the "Remonstrance" of the Assembly of New Jersey (*see infra*). This complaint from New Jersey arrived very shortly after censure had been passed upon him in reference to the case of Richard Budge.

Case of the
Hope.

Cornbury's conduct in seizing and confiscating the *Hope* in 1702, had been declared on appeal to be illegal and arbitrary. A direct order from the Crown was issued, bidding him to make restitution to the unhappy owner and master, one Budge. This order Cornbury ignored. In October, 1707, the Council of Trade asked for H.M. censure upon his behaviour in this connection. The judgment on the appeal was then once more ordered to be put in execution (541, 1033.i., 1152.i., 1266).

New Jersey.
Council of
Trade to
Lord
Cornbury.

In the beginning of 1706 the Council of Trade had written to Lord Cornbury, delivering judgment upon the matters then in controversy in New Jersey (80). Col. Morris was to be restored to the Council, on making his submission to the Governor. It was left to the discretion of the Governor to get the qualification of electors

and representatives altered, if need be. Cornbury was commended for having maintained that the surrender of the Government of New Jersey by the Proprietors had been absolute. But, even apart from the restoration of Col. Morris, he received a plain hint that his conduct was not regarded with unmingled approval or confidence. In reference to the complaints about the elections, he was warned not to infringe the privileges of the Assembly. He was advised to be careful not to grant commissions to "mean and contemptible" persons. He was reminded that he had sent home no transcripts of the Minutes of the Council or Assembly. The Records relating to the proprietorship of the soil were ordered to be returned to the custody of the Proprietors' Agents. And the money voted by the Militia Bill, instead of being placed at the discretion of the Governor, ought, so it was laid down, to be paid only into the Receiver's hands, for purposes which should be plainly specified in the Act (80, 1593; *cf.* 1325.iv.). He was recommended to urge upon the Assembly the need of building some prisons, and was informed as to the proper interpretations to be put upon the clause in his Instructions as to the salaries of Members of Council and Assembly.

Prisons and
salaries.

On the whole, this despatch amounted to no less than a severe reprimand in the guise of a warning. It had little effect, however, upon the recipient's behaviour.

The
Assembly's
remon-
strance
against Lord
Cornbury.

He replied in September (488). But when, after an adjournment in November, followed by a dissolution (608), the Assembly met at Burlington in April, 1707, they refused to transact any of the business recommended to them by the Governor, and proceeded to draw up a statement of their grievances against him. They formulated a long list of charges against his administration, some more and some less serious and reasonable than others. These they presented to him in the form of a "Remonstrance." The authors of this Remonstrance were Mr. Jennings, a Quaker who had resigned from the Council in order to become Speaker of the Assembly, and Lewis Morris, who had also become a Member of the Assembly rather than make his submission to Cornbury and take his place again in the Council. The

Charges
against
Cornbury.
His reply.

circumstances in which, according to Cornbury, the Remonstrance was drawn up, are described by him (963). It contained, amongst other complaints of more or less importance, a direct accusation of bribery against the Governor. He had, so it was alleged, received sums raised in the Province in order to procure the dissolution of the first Assembly. The proceedings on this occasion are too long and important to abstract here. The charges were definite, and damning, if true. Cornbury could do no less, and apparently he could do little more, than profess indignation, and ride off on side issues (963, 963.i., ii.). The peevish brain of Morris, and the forward, grasping nature of the Quakers, he declared, were to blame. No good Militia Act, for instance, could be hoped for, so long as any Quakers were allowed to hold office or serve in the Assembly, as witness Pennsylvania (*pp.* 449–451). In this view he was supported by Col. Quarry, who usually echoed him. Here, he declares, as in New York and Pennsylvania, they were determined to make no laws save such as impair the Queen's prerogative and suit their own humours, to grant no money in support of the Government, and to pay no attention to the Laws of England, save when it serves their turn, or unless their Representatives be allowed to sit in the Parliament of Great Britain (1016, 1213).

Morris on
Cornbury.

Cornbury put an end to the Session in May. When the Representatives re-assembled in October at Amboy, he found them no less determined than before to transact no business and to grant no Revenue for the Government, until their grievances against him had been fully answered and redressed (1213, 1213.i.). Cornbury's reply was to adjourn them for another six months. He observes that he has received no letter from the Commissioners of Trade for a twelvemonth. Possibly this apparent absence of control from home increased his sense of irresponsibility. Before the Assembly met again, however, he forwarded an address by the Lt.-Governor and Council in his favour (1329.ii.). But, under almost the same date, Lewis Morris despatched a remarkable indictment of Cornbury and all his works, covering the protests of the Assembly, and their direct appeal to the Crown against a corrupt and

Recall of
Cornbury
and appoint-
ment of
Lord
Lovelace.

degenerate Governor (1325, 1325.i.-vii.). There could be no reply to such an indictment except the recall of Cornbury. Lord Lovelace, his successor, had indeed already been appointed a couple of months after the receipt of the Assembly's first Remonstrance, March, 1708 (913.ii., 1417). Nearly a month later a letter was despatched to him granting him "leave of absence for some time upon his private affairs," nominally at humble suit made in his behalf (1441). But a letter from the Earl of Sunderland in June, announcing the appointment of his successor, leaves no room for doubt that his recall was in the nature of a disgrace, was definite, and was made in the interest of his Province rather than of himself (1548, 1558).

Lord
Lovelace's
Instruc-
tions.

Upon the appointment of Lord Lovelace to the Governments of New York and New Jersey, besides the usual Instructions of Governors (1508.iii., 1509.ii.), and the new General Instructions relating to the Act of Union, the new Acts concerning trade, *etc.* (1599.ii.), and the probate of wills, to which reference has been made above, he was given other particular instructions by the Council of Trade (1593). Amendments to some Acts of New Jersey, including that for elections, were committed to him to be laid before the Assembly (*cf.* 1325.iv.). The objection, which had recently been raised to the Governor's sending orders to one of the Provinces under his jurisdiction whilst he himself was residing in another (1213), was dismissed as "a very trifling and extravagant opinion," the analogy of the procedure of the Lords Lieutenants of Ireland and the English counties being instanced. Lord Cornbury's omission to send any Minutes of Council or Assembly of either Province, or any accounts of Revenue or shipping was ordered to be made good by the new Governor. And an opinion was expressed upon some of the matters in controversy between him and the Assembly of New Jersey (1593). The Councillors Revell and Leeds were displaced for their share in past "arbitrary proceedings" (1508.i.).

Peter
Sonmans
and the
Council.

Appointments to the Council, especially that of Peter Sonmans, Agent for the Proprietors of the Eastern Division, remained a subject of acute contention amongst

the Proprietors throughout this stormy period (105, 608, 909, 1475, 1484, 1519, 1530, 1557).

Report
against
Proprietary
Colonies.

At the beginning of 1706 the Council of Trade made their report upon the "misfeazances of the Proprietary and Charter Colonies," once more urging that they should be resumed to the Crown. The reasons for doing so, and the charges against these Governments, have been rendered familiar by the previous volumes of this *Calendar* (18; cf. § 1).

Reply of
Rhode
Island.

About the same time the Governor and Company of Rhode Island were formulating a detailed reply to the charges which had been exhibited against that Government in the preceding year. The charges they denied, and they appealed to their Charter. As to the Quota, they declared that they were not legally obliged to furnish it, nor was there any need for it (73). On the same day as this reply was read, Sir Charles Hedges wrote to Dudley giving a plain hint that, if the Quota continued to be refused, a remedy would have to be applied by Parliament (70). A few months later the Rhode Island Government submitted an account of the steps they had taken to secure themselves from invasion, of which apprehension arose after the raid upon the Leeward Islands (490).

Connecticut
Quakers.

The Quakers of Connecticut appealed against several Laws, which, they said, were inconsistent with the Laws of England and their Charter. In answer, the Agent stated that there were not above seven of them in the Colony (730, 790). This was shortly after the *Boston News-Letter* had been rebuked for criticising their opposition to the Act of Hereticks, *etc.* (85).

The Case of
the
Mohicans.

Upon the appeal of Sir H. Ashhurst, the sentence of costs in the case of the Mohican Indians was reversed, and a Commission of Review was granted for determining their claim. No Commissioner was to have any interest in the lands in dispute (368, 430). The new Commission of Review consisted of Lord Cornbury and eleven Councillors of New York (391, 392, 732, 733). Meantime, Owaneco and the Mohicans had acknowledged the Queen's favour by volunteering to fight against the Eastern Indians. Governor Dudley accepted their offer, and thereby gave offence to the Governor of Connecticut (*p.* 239).

Death of
Governor
Winthrop.

Quary's
account of
Connecti-
cut and
Illegal
Trade.

Pennsyl-
vania
Quakers.

Currency
Proclama-
tion ignored.

Act for
Qualifica-
tion of
Officers.

At the end of 1707 Governor Winthrop died, and Mr. Saltonstall was chosen in his place (1213).

Before Winthrop's death, Col. Quary had visited Connecticut. The Governor had begged him not to look too narrowly into the mistakes of that Government. The need for this caution was revealed upon an examination of the Custom-house. There he found "nothing but confusion and roguery." Everyone connived at illegal trade, and the example was set by the Collector, "one Mr. Withred, a Pillar of their Church, but a great Rogue." Col. Quary made a clean sweep of the Collectors, and put others in their places, but confessed that he had no hopes of preventing illegal trade so long as the Government remained in the same hands. And so with Rhode Island (1273).

In Pennsylvania, as in New Jersey, Col. Quary saw signs unmistakable that Quaker principles were inconsistent with Government. The Assemblies in the Colonies, which were influenced by their teaching, were, so he warned the Council of Trade, increasingly determined to engross all the powers of Government, judicial and executive, in their own hands. They were equally ready to infringe the Queen's Prerogative and to flout the rights and authority of Proprietors, even of William Penn himself (*pp.* 490, 639).

The Assembly of Pennsylvania demonstrated their recalcitrant spirit in several ways. They refused to put into operation H.M. Proclamation fixing the value of foreign coin, until New York and other Provinces should have led the way. In the meantime they passed an Act of their own for regulating values (40, 40.iii.). Another Act, which roused much indignation in Anglican circles, was that *for the qualification of officers*. It provided a remedy, by admitting affirmation, for cases when there was no magistrate present in Court who would administer an oath. For the administration of an oath to another was as offensive to the Friends' consciences as taking one themselves. The Bishop of London fulminated against this Act as "a new instance of Mr. Pence insolence . . . for it seems to control H.M. former Instructions, and to tell us no man shall take an oath where he governs" (415,

415.i.). The Attorney General, however, took the matter more calmly. It was a provision reasonable enough in a country where the greater part of the inhabitants were Quakers (422). The case for and against the Law was argued with spirit by Mr. Willcocks and Mr. Penn (569, 628, 1098, 1098.i., 1227).

Repealed. The Act was, in the end, repealed upon other grounds. For, as the Attorney General had pointed out, this Law allowed the deposition of a person sick or going out of the Province to be taken and accepted as good evidence—a practice wholly contrary to English criminal law, and seldom allowed even in civil cases (1247.i., 1267).

Lt.-Governor Evans. The Lieutenant Governor, John Evans, also found himself exposed to what he describes as the “ill-grounded fury of a people drunk with wide notions of privileges.” Like Col. Quarry, he complains that the Assembly is arrogating to itself “the most exorbitant authorities” (1126, *p.* 490). The resentment of the country against the Proprietor and his Deputy Governor had, at any rate, reached a high pitch. The leader of the movement was the notorious David Lloyd, now Speaker of the Assembly (1126).

The Militia. Apart from the offence of having beaten “an ill-mannerly Dutch Constable,” the chief difference between the Lieutenant-Governor and the people was upon the fundamental question of the self-defence of the Province. Upon the scare of a raid by D’Iberville’s squadron, Evans gave an alarm in Philadelphia, in order to test the strength of the Militia. Three hundred men responded to the call, “a poor number indeed in a place where are near as many thousand men.” Evans’ endeavours to regulate the Militia raised such a storm, that William Penn presently thought fit to supersede him. His successor, it is to be noted, was a retired soldier—Capt. Charles Gookin, “late of Lieut.-General Erle’s Regiment” (1495.i.). Penn applied in due course for the Queen’s approbation of his new Deputy. But before this necessary approbation was forthcoming, he was compelled, very much against his will, to renew his Declaration as to the Queen’s right to the Three Lower Counties (1515, 1516, 1600, 1601).

Penn appoints Capt. Gookin Lt.-Governor.

Is compelled to renew his Declaration as to the Three Lower Counties.

Pennsyl-
vania and
the Three
Lower
Counties :
" a state of
war."

The division of Pennsylvania and the Three Lower Counties into two distinct Governments had now resulted in what Col. Quarry calls a state of war. For by virtue of a Fort at Newcastle, Evans and the Assembly had laid a heavy powder-tax upon the ships using the River. The merchants and inhabitants of Pennsylvania refused to submit to this imposition. Then the Fort fired upon ships that tried to run the gauntlet. If they missed, they chased the ships in boats. On one occasion the Lieut.-Governor, in the ardour of the chase, pursued a vessel, belonging to some of the chief Quakers in Philadelphia, into New Jersey waters, until Lord Cornbury brought him to a stop. "It is impossible," says Quarry, "to represent the confusion that is between these two Governments on this occasion, Mr. Penn's authority fighting against himself" (963, 1016).

Penn's
surrender of
the Govern-
ment.

On February 5th, 1707, the Council of Trade and Plantations reported to the Earl of Sunderland upon the long-delayed surrender of his Proprietary Government by William Penn. They fully recognised the great task which he had accomplished, at great cost to himself, and that there had not yet been time for him to reap the rewards of his charge and labour. They advised that he should be recompensed, but that his surrender should be "absolute and unconditional, including a renunciation of all right, claim, and pretension as well to the Government of Pennsylvania, as to that of New Castle and the two Lower Counties" (734, 745). In order to arrive at some just measure of compensation, the Council of Trade, to whom the question had been referred, entered into further correspondence with Penn. He displayed his usual restiveness at their interrogations. But in the course of the argument several interesting statistics emerge as to the growth of the export and import trade of Pennsylvania (806, 855, 857.i., 903, 914, 1026). In order to increase the exports, he recommended the petition of John Keble for encouragement to develop "a noble staple, potash" (1502, 1503).

Question of
Compensa-
tion.

Pennsyl-
vania,
exports and
imports.
John Keble
and Potash.

Virginia :
the Assem-
bly and
Virginia.

The complaint of the Assembly of Virginia against Col. Quarry was answered by the Council of Trade in the beginning of 1706. They rebuked the malicious misrepresentations of Robert Beverly, and, at their instance,

the new Governor, Nott, was directed to discourage similar groundless complaints, "which tend only to the fomenting divisions" (45.i., 66).

Crisis in the
Tobacco
Trade.

Discontent in Virginia was probably accentuated by the crisis in the tobacco trade, referred to in § 1. In August, 1706, the greatest fleet "that ever went from the tobacco Plantations" sailed for England, 300 strong (*p.* 215). A glut of tobacco in the restricted market was the result. Two years later the Governor had to report a falling off in the crops (1573). The great fall in the prices of tobacco, combined with the shortness of supplies of clothing from home, had here, as elsewhere, turned the Planters' attention to the growing of flax, cotton and wool (149, 477, 537, 775, 1573).

Defence.

Although the country was thrown into great consternation by the news of the French raid upon the Leeward Islands, the Assembly could not be persuaded to undertake any works of defence. In response to Nott's exhortations, they petitioned for the application of the whole of the Crown revenue from quit-rents to that purpose (*p.* 206). Subsequently, the activity of privateers off the Capes led to a further appeal for a "guardship of good force" (1010, 1573).

Murder by
Tuscoruro
Indians.

A murder by Tuscoruro Indians is reported (1573).

Grants of
Lands.

The recent Instructions for a new method of patenting lands and for preventing grants of large tracts of lands were not well received. Nor was the stopping of grants of land on the South side of Blackwater Swamp more popular.

Act repealed.

A petition was forwarded praying for a reversion to the old scheme (149, 478.i., 484). An Act was passed which, whilst restricting each grant to 4,000 acres, allowed one person to have several patents. The result of this and other provisions would be that the remainder of the unoccupied land would fall into the hands of a few rich men, without imposing on them any obligation to cultivate and develop an adequate proportion of it, thus hindering the healthy settlement of the Colony. For these reasons it was repealed (149, 827). In relation to this subject, a list of the grants of lands on the South side of Blackwater Swamp, put in by Col. Nicholson, supplies a

List of
Grants.

valuable record of Virginia land-holders at this period (756).

Death of
Governor
Nott.

Governor Nott died of fever on August 23rd, 1706. His administration, inspired by a conciliatory and impartial temper, was said to have already gone far towards composing the internal differences of the Province. "A Gentleman of a very happy temper to cure our Divisions," so the President and Council framed his epitaph (476, 484, 722.i.). Nott was the first Governor to die in Virginia. Doubts at once arose here, as formerly in Barbados and New York, as to the powers of the President of the Council.

Government
by President
and Council.

And the notion that the Assembly was dissolved upon the death of a Governor cropped up here also. This doubt was answered by the Council of Trade, who explained that the continuity of the Assembly was derived, not from the particular Commander-in-Chief, but from the Royal Power, which persisted. It rested, therefore, with a Governor's successors in the Administration to decide whether it was desirable to dissolve an Assembly, or not (484, 824).

Col. Hunter
appointed.

Seven months after Nott's death, Col. Robert Hunter was appointed to succeed him. He at once suggested that his salary should be paid to him from the day of the late Governor's death, after deducting the moiety allowed to the President of the Council (849, 849.i.). The Council of Trade, however, pointed out that the rule that a Governor's salary should not commence till his arrival in his Government was probably intended to hasten his departure thither. If it were relaxed, the consequences would not be happy, "it being reasonable to think that any Governor will be glad as long as he can to avoid the expence and charge of living there, if his salary shal run on while he continues in England." This was, in fact, yet one more move in the direction of that pernicious system of absentee officers and deputies, against the growth of which the Council of Trade had long struggled in vain (1047 ; cf. § 1).

His salary.

Absentee
Governors.

It was four months later—almost exactly a year after Col. Nott's death—that Col. Hunter took ship for Virginia—only to be driven back to Torbay by a gale (1096).

Revenue
Act.

The Revenue Act of 1705 came in for much criticism. One clause restricted the payment of Members of Council

to those who had resided in the Colony for three years. This was resented by Col. Quarry, who regarded it as aimed directly at him, besides being an infringement of the Prerogative of the Queen to dispose of Crown revenues as she thought best. A similar measure designed to dock the Secretary's Office of the long-established perquisite of appointing County Court Clerks was complained of by Mr. Jennings as being directed against himself for having attended the Council of Trade and brought back the amended Laws, including the Church Bill, which was still distasteful to the Burgesses (483, 484, *p.* 204). We may, however, see in these measures yet another symptom of the growing desire in the Colonies for local control of expenditure, and the reservation of Colonial appointments for the country-born (*cf.* § 1). Another clause in the Revenue Act for readjusting the admeasurement of ships with a view to taxation, led to a strong protest from merchants and ship-owners, and to a good deal of correspondence as to an equitable method of measuring tonnage for Customs (917, 1059).

Admeasure-
ment of
Ships.

Revenue
and other
Acts
repealed.

After consulting with the Law Officers of the Crown, the Council of Trade obtained the repeal of the Revenue Act, mainly on the grounds that it taxed Virginia traders and ship-owners of the United Kingdom more heavily than Virginian owners, and also because, as Quarry had urged, it encroached upon the Royal Prerogative (1226, 1242, 1259, 1304, 1305, 1324.i.). Other Acts infringing the Prerogative were repealed (824), and the Marriage Act met with the disapproval of the Bishop of London (922, 949, 958). One Act was objected to by the Attorney General as lacking in justice towards negro offenders (951).

Governor's
House.

Progress was reported in the building of the Governor's House (1573).

Boundaries
of Virginia
and Carolina.

Disputed boundaries had long been a cause of friction between Virginia and Carolina. A fresh encroachment by the latter gave ground for complaint by Virginia in 1706, the Surveyor of Carolina having proceeded on his own account to draw the boundary line within the reputed limits of Virginia (478, 555). The Council of Trade urged the prompt settlement of this dispute, but the Assembly

of Virginia waited for the expenses to be paid by the Crown (824, 1573).

Troubles in
Maryland.

These were troublous times for Maryland. Her export trade was almost wholly confined to tobacco (1570), and that market, as we have seen above (§ 1), was severely affected by the war, and the question of convoys and shipping. There was no guardship to protect her coasts and shipping, which were exposed to the depredations of any rascally pirate or enterprising privateer. The Province was deeply in debt; the Plantations heavily mortgaged. These factors tended to curtail the supply of clothing from the manufacturers at home, and to send up the price of manufactured commodities to an almost intolerable figure (*pp.* 197, 472). Imports, Governor Seymour declared, were practically confined to protested Bills of Exchange! And he advocated an Act of Bankruptcy (1570). The Colonists were, therefore, forced to turn to the cultivation and manufacture of woollen and linen goods for themselves, which it was the whole object of the Plantation theory to discourage (1113, 1570; *see* § 1).

Demand for
Coinage.

Clarke's
rebellion.

The absence of a small currency in the country was severely felt, and a petition was sent home for a supply of copper coins (630, 825). Meantime, Richard Clarke and his confederates had endeavoured to satisfy this want by issuing a whole series of counterfeit dollars and pieces of eight (*p.* 471). These were the rebels who had been concerned in a plot for a rising against the Government, in concert with the Indians, and for burning Annapolis and turning pirates. A worse crime is hardly conceivable. But the Council of Trade would not for that reason condone Governor Seymour's procedure in selling two of the ringleaders, Benjamin Celie and Humphrey Hernaman, to Barbados, "for the country's good." They at once called for an explanation (84, 975). Seymour replied that they had been sold into servitude for a period of seven years, or until they should be reprieved. And this had been done in accordance with an Act and a petition of Assembly, in order to reimburse the Province for the expense incurred by their trial, and to avoid putting into execution sentences of death or prolonged imprisonment

Execution
of Clarke.

(792). The Council of Trade, however, could not accept this reason. Criminals, they stated, should be punished according to Law; and they knew of no Law which authorized the sale of H.M. Christian subjects in the Plantations, though criminals (1113). Celie and Hernaman were then released and worked at their trades in Pennsylvania (1570). Clarke himself, after escaping to Carolina, which proved too hot for him, returned to Maryland. There for a while he eluded arrest for some time, posing as a Quaker. Repudiated by the Friends, he was protected by his relatives, native-born sympathisers, malcontents and bankrupts. He was taken at last, and executed for high treason (1101, 1570, p. 469).

The "Country-born."

It is in the support which he received, according to Seymour's own testimony, from "the countrie-born," that the chief interest of Richard Clarke and his rebellion lies. Just as in Jamaica there was a strong feeling for reserving Jamaica for the Creoles, so in Maryland the Act of 1694 *for the encouragement of learning*, which reserved offices of trust or profit to those who had resided at least three years in the Province, pointed to a growing sense of local patriotism in the native-born. But this point of view, however admirable as one indication of genuine and successful colonisation, was not yet fully justified by the educational standard of the Colonists. The Act deterred men of ability from coming from England "to starve so long a terme," whilst the absence of any Grammar School in the Province, in spite of the Act, left the natives very ignorant and unfit for office (975).

Patent
Offices.

Probably, feeling on this subject was created and accentuated by the growing abuse of Patent Offices and their absentee holders (*cf.* § 1). The Act for depriving that absentee Patent Officer, Sir Thomas Laurence, of some of the emoluments of his Secretaryship, may be regarded as the outcome of such feeling. The details of the controversy betwixt him and the Assembly, which had taken away from his office the perquisite of granting Ordinary Licences, are long and intricate, but not without significance, if this be accepted as the key to the struggle. Sir T. Laurence's rights were upheld at home (84, 731, 792.i., 1072, 1113, 1151.i., 1269, 1280, 1570). Nor indeed

could it easily be maintained that the Act which deprived him of his profits was just and equitable. Laurence then petitioned for the recovery of arrears due to him (1292.i.).

Act concern-
ing Lord
Baltimore's
Agents.

To rectify another grievance in connection with the incompetent and indigent Deputy Surveyors appointed by Lord Baltimore's Agents, an Act was passed, which was intended to establish greater control over them (975). The Lord Proprietor of course complained (1346, 1464). But the Solicitor General bluntly declared that the provisions of this Act might be of service to the public and do a great deal of good (1522ff.). In the case of another Law, to *enable Lord Baltimore's Agents to recover arrears of rent*, he observes that the makers of Laws in the Colonies are the best judges of the conveniency of their own Acts, although they might be open to objection in England (1522ff.).

Zeal of the
Jesuits.

Owing to the connection with Lord Baltimore, the Roman Catholic and Jacobite propaganda was particularly active in Maryland, and called for repression.

Although Lord Baltimore had written to the leading Jesuits calling upon them to moderate their zeal, further news came to hand of their unabated energy in proselytising and abusing the Government. Whereupon the Assembly prepared a Bill "to curb their extravagancy" (9, 10, 84, pp. 195, 196), and the Council of Trade made enquiries as to whether it would be lawful to expel the leading Jesuits from the Colony (783). At the same time, whilst orders were given that the Quakers should be made to bear their share of the expense of defending the country, the Governor was directed to take care that they should be protected in case of distresses levied upon them.

Quakers.

English Law
in the
Plantations.

In Maryland, as elsewhere, doubt prevailed as to whether English Laws were valid in the Colonies, unless it were expressly stated that they applied to the Plantations. The doubt involved a dilemma. If the Laws of England were not to be regarded as generally in force, then, the Statute books of the Colonies being as yet very incomplete, many criminals would escape for want of a particular Act, as, in Maryland, in the case of "conventicles, rape, bigamy, Jesuits and other felons." If they were held to be in force, then there was a danger of infringing the

Prerogative of the Crown, or of involving the Colonists in awkward consequences, such as being haled to Westminster on trivial occasions (*p.* 67). The Attorney General's view, as regards the Common Law, is given in a review of the Acts of the Leeward Islands (164). The same Officer reported upon the Acts of Maryland, passed in 1704, 1705. He recommended the repeal of several, on the grounds that they were unreasonable, ill-penned, contrary to common justice, or repugnant to the Laws of England (1117).

Acts of
Maryland.

Another Law passed during this period was the long delayed Act for Ports (470, 975).

Naval
Stores.

In order to encourage the production of Naval Stores, and at the same time to relieve the land exhausted by tobacco crops, a Law was passed to make hemp and flax currency, like tobacco, for part-payment of debts (470).

Shipping
Act.

Two Acts for regulating the size of hogsheads were repealed, and Instructions given for the passing of a new Act conformable to a Virginian Law now confirmed (1224.i., 1398, 1398.i., 1404.i., 1425, 1427, 1428).

The Census.

In answer to the enquiries of the Council of Trade, a rough census of the inhabitants and the Militia was returned. It showed that, since the Crown had resumed the administration of the Province, the number of taxables had increased by about 50 per cent. But economic difficulties brought about by the war, and invidious legislation had led to an exodus of the planters to the neighbouring Colonies. For North Carolina had passed an Act inviting debtors to settle there, under a guaranteed exemption from paying their debts for five years. Needy planters naturally welcomed such an extension of credit by crossing the borders (1101, 1101.ii., 1570, *p.* 472).

Competition
of North
Carolina and
Pennsyl-
vania.

Maryland
and Penn-
sylvania.

And Pennsylvania, by raising the value of the coinage contrary to the Queen's Proclamation, and by encouraging sailors and artificers to work within her boundaries, had further contributed to drain Maryland of her proper settlers (1570).

Disputed
Boundaries.

The bounds of these two Provinces had long been in dispute. Uncertainty rendered the ownership of estates on the confines very precarious. The Assembly of Maryland therefore petitioned the Queen that the

Proprietors should be compelled to settle their controversy and define the boundaries forthwith (*p.* 470, *No.* 1115.i.).

William
Penn under
restraint.

The question was therefore re-opened, and Lord Baltimore and Mr. Penn were called upon to submit their evidence to the Council of Trade (1322.i., 1352, 1354, 1367, 1369). Delay was caused by Penn "being under restraint" (1419, 1421).

Carolina
Acts
repealed.

Upon an Address of the House of Lords to the Queen, issuing out of a petition by Joseph Boone and others against two Acts of Carolina, *for establishing religious worship and for the better preservation of the Government*, these

Proposal to
revoke
Charter.

Laws were repealed (158, and see *House of Lords' Journal*, xviii., *pp.* 150-3, and *House of Lords MSS.*, vi., *pp.* 406-8, 411). The passing of them, if they had indeed been confirmed by the Lords Proprietors, was declared by the Law Officers of the Crown to amount to so great an abuse of the power granted them under their Charter as to constitute good grounds for revoking it (328, 336.i., 367).

Killigrew on
Carolina
Products.

In the course of a discussion as to the best method of procedure with a view to this end, Mr. Killigrew contributed a very interesting description of Carolina and its products, amongst which he included peach-fed hams (287 ; *cf.* 940). His scheme for raising a fund to buy out the Proprietors of Carolina and the Bahamas was based on a renewal of licences to Hackney Coachmen (449.i.).

Process
begun.

Process was at length begun in the form of *Quo warranto* in 1707. But the Solicitor for the Treasurer had to report, a year later, that he had been baulked by the Privilege of Parliament enjoyed by the Defendants (1535).

Act to
encourage
settlement
repealed.

Meantime, another Act, the Act to *encourage the settlement of Carolina*, so obnoxious to Maryland, had been repealed (1448). The passing of this Law, with its inducement to debtors to desert other plantations and settle in Carolina under a guarantee of protection from their creditors for five years, was represented by the Council of Trade as yet another breach of trust, amounting to a forfeiture of the Charter (1189, 1349). But the Lords Proprietors disclaimed any responsibility for it. They had neither seen nor sanctioned it (1448).

Dispute
with
Virginia as
to Indian
Trade.

Carolina was involved in yet another dispute with her neighbours. Virginia protested against her interference

with the trade long carried on by Virginian traders with the Western Indians, and seizure of their goods (1573).

French and
Spanish
raid on
Charlestown.

The most interesting episode in the history of Carolina at this period was the gallant repulse of an enemy raid upon Charlestown. Encouraged by the news that the town had been much weakened by an outbreak of pestilence, a combined force of French and Spaniards from Havana and St. Augustine made an attempt upon the place in August, 1706. Gallantly led by the aged Governor, Sir Nathaniel Johnson, the Militia companies proved equal to the occasion. Given an hour's time to decide whether he would yield to a summons to surrender, the Governor replied that he needed not a minute. Not waiting to be attacked, the Colonists with their Indians took the offensive, and put the enemy's landing-parties to flight. Then, taking to their ships, they chased the enemy fleet over the bar and out of sight. The same evening a belated transport arrived. She was attacked and made prisoner in the same vigorous fashion. In spite of their courageous motto, the enemy showed little stomach for fighting or desire to die "*pour les deux Rois*" (517.i., 526, 576).

Spirited
defence by
Sir N.
Johnson.

Disposal
of the
Prisoners.

Being at a loss how to deal with their some 250 prisoners, the Carolinans shipped them off to Virginia, in hopes of getting them conveyed thence to England. But should conveyance be lacking, the Master was instructed to give them his ship and turn them loose on the sea. This simple method of shifting the burden on to their neighbours' shoulders, with the alternative of having a new privateer off their coasts, was not unnaturally resented by the Virginians (555, 755, 824).

§ 3.

THE WEST INDIES.

Barbados
and the Raid
on the
Leeward
Islands.

The most important event connected with the West Indies during this period was the French raid upon Nevis and St. Kitts. It naturally caused something of a panic in Barbados. Attention was paid then to the long-neglected entrenchments and redoubts, which, it was

hoped, might atone for the increasing lack of men (245, 427). Little, however, was accomplished. In the impoverished state of the Island, the Assembly soon ceased to vote funds for fortifications, which, they held, ought to be built out of a special grant from the $4\frac{1}{2}$ p.c. duty (383, 482, 589, 613.i., 719.i., 961, 1090, 1099, 1256, 1364). Nor was the Militia more efficient than the forts (1131, 1364). A further alarm of invasion towards the end of 1707, combined with the efforts of Governor Crowe, produced some improvement (1176, 1225ff., 1379.i.). The Council of Trade urged the Governor to press the Assembly to build magazines, complete Fort St. Anne's and to maintain the matrosses. The sending of a regiment of regular troops there, as desired, was, they hinted, to some extent contingent upon the Colonists' own efforts towards self-defence (613.i., 1316, 1566, 1578).

Recall of
Governor
Sir B.
Granville.

Lillington's appeal was allowed and his fine remitted at the beginning of 1706 (36, 37). Complaints against Sir B. Granville were reiterated, Lesley, Kirton and Maxwell petitioning the House of Lords for redress (11, 51, 351-3, 600, 618, 619, 623, 695). A few months later he was recalled. He died on his way home. Mitford Crowe was appointed in his stead (324, 500, 506.i., 580.i., 682). He sailed at the end of January, 1707, with instructions to remove those Members of Council who were guilty of having promoted the Paper Act and of other misdemeanours (612, 693.ii., 739). That disastrous Act was repealed, its effects having been clearly set forth by the merchants and others concerned (529, 540, 542.i., 545, 1256, 1257). The Governor was directed to procure the passing of a new Act to indemnify those who held the new paper (582).

Paper Act
repealed.

This had already been attempted by Col. Sharpe, as President of the Council. He had been one of the promoters of the Paper Act. But as soon as he realised its evil effects, he endeavoured to remedy it. A cabal was at once formed against him in the Council and Assembly, composed of those who stood to gain by the Act, and headed by Col. Holder (632.ii., 644). Meantime, at home, petitions to the Queen and the House of Lords had flowed in for the repeal of the Act by which the Assembly had

Triennial
Bill
repealed.

continued itself and, incidentally, those who had passed the Paper Act, for two years. The Act was annulled (567, 572-4, 598.i., 599.iv., 624, 696). But before he was aware of this, Sharpe dissolved the Assembly. Holder and his supporters, Cleland and Colleton, did their utmost to prevent this step, by absenting themselves from Council, protesting, refusing to publish the writs, creating a riot in Court, and attempting to overawe the Assembly (697, 697.iv., 752, 809, 830.i., 900, 900.i., 981.i., 1177).

Cleland and Holder suspended. The President and other Councillors thereupon suspended Cleland and Holder. This action was upheld at home (831.i., 835, 836, 948, 974.i., 1006, 1079, 1080). The new Act amending Paper Act. Assembly was inclined to continue rather than to amend the Paper Act. This, however, they were at length induced to do (752, 817, 961, 1056.i., 1064). They addressed Crowe upon his arrival with a long list of grievances against the recent administration (927, 961.i.; cf. 697.i., ii., 1090.iv., v.). Unhappily, his first step was so to interpret Lord Sunderland's instructions as to restore Holder to the Council (961, 1069, 1163), and the next, to suspend Cols. Sharpe, Cox, Milles, and A. Walker, as having been promoters of the Paper Bill (1090.i., 1133, 1136). He identified himself, in fact, with Col. Cleland and the party which had done so much to disturb the Island and had profited so largely by the pernicious Paper Act (740, 1145). He was promptly rebuked by the Council of Trade (1163, 1167, 1482). But he rapidly multiplied his errors. Whilst orders were being issued for the restoration of the four Councillors (1290, 1303), he was busy revising the Commission of Peace and dispensing on his own authority Col. Holder from the effects of the Act *for ascertaining the payment of the Bills, etc.*, which would have had the effect of making him disgorge some of his extravagant gains as Manager of the Paper Bank (1092.i., 1140.i.-iii., 1156, 1176.i.*ff.*, 1177, 1308, 1316, 1355).

Barbados Credit ruined. These, and similar proceedings, which cannot be referred to at greater length here, plunged the Island into greater distraction than ever. The credit of Barbados had been shattered by the Paper Act, itself designed to remedy the evil of the withdrawal of the currency, due to their adoption of the Currency Proclamation whilst other

- Plantations ignored it (1131, 1141, 1256, 1257, 1364). An attempt by the Assembly to pass an Act for raising the rates of foreign coins, led the Council of Trade to press once more for an Act of Parliament to enforce the recent Proclamation (961, 1157, 1167; *cf.* § 1).
- Bill to raise the rates of currency.** A new Assembly at the beginning of 1708 consisted of practically the same Members as the old, and proceeded on the same lines, pressing for the redress of the same grievances, and tacking on to an Excise Bill a clause appointing their own Agent (1131, 1364, 1482.ii., x.). The Council of Trade had occasion to complain that they were left very much in the dark owing to the imperfect state of the Minutes transmitted to them (1413). One cause of complaint against Crowe was that he sat as sole Judge; even in a cause concerning himself. Sunderland had commended his proposal to do so, which the Council of Trade had more wisely condemned (961, 1089, 1099, 1167, 1300).
- New Assembly.**
- Imperfect Minutes.**
- Crowe sits as sole Judge.**
- The Cartel.** The Cartel arranged with the French at Martinique by Col. Sharpe was the subject of some discussion, Governor Crowe representing it as only serving to promote French trade and spying, the Council of Trade commending its use with caution (817, 961, 1006, 1131, 1176, 1316).
- Act for Governor's house-rent repealed.** An Act allowing the Governor house-rent was repealed on the grounds that Pilgrim's House, already provided, was a suitable residence (1372.i., 1375).
- Trade of Barbados.** The course and progress of the trade of Barbados with England and the Plantations is indicated by returns (44.i., 1090.xxi., 1591.v.).
- Presentments of Grand Juries.** Presentments of Grand Juries (1090.iv.-vi., 1591.ii., iv.) are of interest as showing to some extent the needs and feelings of the country.
- Patent Offices.** Governor Crowe exposed himself to rebuke by arrogating to himself the right of appointing the Naval Officer—a perquisite claimed by the Crown (1145, 1167, 1291.i., 1539, 1546).
- St. Vincents and Dominica.** The appointment of a new Governor of Barbados gave occasion for further attention being paid to the Caribs of St. Vincents and Dominica. Granville had already been in negotiation with them (405). The British claims were re-asserted, and endeavours made to counteract

French influence amongst the Carib chiefs (502, 693.ii., 1090, 1131, 1194, 1225.vi.).

The
Bahamas.

The Bahamas lay practically derelict. Byrche, finding but a cool welcome, had gone to Carolina (277.i.). Left without a Governor or any organised force, the settlers were exposed to savage raids by French and Spanish marauders, against whom they scarce raised a finger in self-defence (1116, 1119, 1422). A fresh account of the raid of 1703 attributes its success in part to the hospitality of Ellis Lightwood, who appears as a sort of Udaller of the Islands (277). Upon a petition from the inhabitants presented by John Graves, the House of Lords addressed the Queen, praying that the Bahamas should be resumed to the Crown. The Lords Proprietors had by their neglect clearly forfeited their rights (231.i., 277.ii., 327). Correspondence ensued as to ways and means, and the cost of resettling and fortifying these important Islands (264, 336.ii., 362, 393, 396, 449.i.). The problem merged into that of Carolina (*see* § 2), and, as in that case, was the occasion of some interesting statistics as to the state and products of the Islands (287, 1128). The Lords Proprietors appointed Robert Holden to be Governor in 1707 (939).

House of
Lords'
Address.

Question of
a Governor.

But the Council of Trade, whilst offering no objection to him, again and yet again recommended that the Crown, in view of the neglected state of the Bahamas, should resume the Islands, and in the meantime send over a Governor of its own appointing (993.i., 1155, 1424).

Bermuda:
Lt.-Governor
Bennett
and Mr.
Jones.

In Bermuda the quarrel between the placeman, Jones, and the Lieut.-Governor dragged its slow length along. Business in the Courts was at a standstill owing to the refusal of the Judges and Council to allow Jones to act as he claimed. The Council, Assembly and Judges supported Lieut.-Governor Bennett sturdily against Jones, Starr and their clique, who hoped to get him removed (1330). Jones, recalled to answer for his behaviour to the Lieut.-Governor, countered with numerous charges against him, including one, which if it had been true, might have formed the basis of a story from Boccaccio (197, 371, 381, 424, 606, 785).

Further complaints were made by Matthew Newnam and by the Rev. Robert Baron, to the latter of

- whom Capt. Bennett replied effectively (1559, 1562, 1562.ii.). The case of the prize *Rose* is of interest, as another instance of the blackmailing tactics by some members of the Royal Navy, referred to in § 1 (1330, 1330.viii.).
- The Case of the *Rose*. In the course of one of his despatches, Capt. Bennett describes the trade of Bermuda (1330). The Assembly petitioned against the order as to ports, which, they declared, would ruin the Island (761.i.).
- Trade of Bermuda. Several Acts were repealed (1351), after careful consideration (996, 997, 1015.i.).
- Ports. It is frequently to be observed that the same political ideas find expression in several Colonies at once. As in Maryland and Virginia, for instance, there was a party of the "country-born," so in Jamaica the Creoles were now an important section of the community. Moreover, the democratic doctrines of Sir Harry Vane, the Puritan Idealist and late Governor of the Massachusetts Bay, had spread to the Island, and had been adopted by the Creolian party, who were opposed to English and Kingly Government alike. Governor Handasyd, therefore, found himself in constant antagonism with an Assembly in which the majority held such views and endeavoured at once to infringe the Royal Prerogative and to debar Englishmen from holding office (616, 678, 793, 1423, 1423.i., 1551).
- Acts repealed. In order to pass Bills after their own mind, they adopted the device of "tacking" Bills on to such necessary Acts as the new Quartering Act, whilst they insisted that this was a Money Bill, in which the Council should not have any part (297, 503, 678, 735, 793). The previous Act for quartering and subsisting the officers and soldiers had been repealed because it contained an unkind clause forbidding any person to benefit by it who married an inhabitant of the Island, and also because it disabled any officer or soldier from holding any civil or Militia commission in the Islands, and penalised any but natural-born subjects of England, Ireland or the Plantations from holding office, civil or military, except in the regular forces. The re-enacting of a repealed Law was in itself forbidden. But to reject the new Act would have been to subject the unfortunate regular soldiers to even greater
- Jamaica: Creolian Party.
- Tacking and Money Bills.
- Quartering Act repealed and repeated.

hardships than they had already to bear. The Act was therefore allowed to run on till it had nearly expired, before being repealed. But meantime the Assembly was severely rebuked by the Crown (319, 426, 433, 601, 793, 898, 968.i., 1076, 1219, 1237). A new Assembly passed a new Act in accordance with H.M. Letter. They had ample reason to be grateful to the soldiers, who, besides frequently repelling enemy raids and preventing the kidnapping of negroes, were also used to man the ships of Commodore Wager, whose complements were sadly depleted by sickness (678, 735, 868, 1180, 1339, 1577).

Assembly rebuked.

Defence.

Throughout this period there were rumours of coming attacks by the French. Martial Law was proclaimed, and other preparations were made to give Monsieur a warm reception should he come (116, 116.ii., 221, 319, 377, 385, 445, 458, 493, 1379.i.).

Trade.

Pains were taken to foster the trade between Jamaica and the Spanish coast (493, 926, 936, 1166, 1250), which was, however, interfered with by certain privateers from Jamaica itself (1073).

Quit-rents and escheats.

A Bill for quieting possessions and dealing with quit-rents was rejected by Handasyd, upon grounds which were approved of at home (554, 1339, 1423.ii., iii., 1547, 1577). Great complaints were presently heard against him on account of a campaign of escheats which he had inaugurated. He issued a proclamation that holders of lands without patents were to pay the quit-rents due and would then have patents granted them; if not, they would be prosecuted, and the informer would be rewarded with the escheated lands. There were nearly a million acres, he said, not paying the quit-rents due, and H.M. Revenue would benefit accordingly. But by thus hastily granting escheats to informers he gravely exceeded his Instructions and laid himself open to rebuke and suspicion (1307, 1390, 1429, 1435.i., 1436.i., 1454.i., 1513, 1545, 1551, 1551.ii., 1581).

Iberville's Raid on the Leeward Islands.

At the end of 1705 and the beginning of 1706 we learn from various Governors in the West Indies that a strong French squadron was expected at Martinique, whence an attack on Jamaica or some other of the Islands was expected (24, 44, 221). Other French ships and troops

made rendezvous at Tobago (116). Parke's proposal to wipe out the French base by an expedition against Martinique and Porto Rico was sound strategy, but could not be put into execution at the moment (431, 474, 591, 733, 834, 994). What happened was something in the nature of a surprise. It was supposed in England that the French navy was sufficiently engaged nearer home (278, 279). But at the beginning of February a considerable force of French ships and men appeared off Nevis. The forts and platforms erected by Lieut.-Governor Johnson made a good defence, whilst troops and guard-ships were hurried up from Antigua and Barbados to defend the back of the Island. Failing to make a landing here, the French threw the weight of their attack upon St. Kitts. The inhabitants, ill-prepared for defence, retreated to Brimstone Hill, whilst the French plundered their mills and plantations, until, upon a sudden scare of approaching English ships, they left hurriedly for Martinique (152, 167.ii., 168, 195.i., 431.ii.).

Nevis at once petitioned for help from home, pointing out that the regiment quartered there was very weak and the arms supplied from the Tower had proved very defective. Col. Parke's demand for a regiment had, it will be remembered, been supported by the Board of Trade (28, 167). In St. Kitts, where the people had obstinately refused to believe in the possibility of an attack or to prepare for it, until an hour before the French arrived, trenches were now dug and court-martials held upon delinquents (195, 195.i., 281, 653).

This raid was conducted by the Comte de Chavagnac. Upon the arrival of M. D'Iberville at Martinique a fresh expedition sailed in March, consisting of some 50 sail, including 12 men-of-war, as well as privateers and transports (244, 318). A surprise landing was made in Nevis at Green Bay, taking the forts in the rear, thanks to the failure of Col. Burt and Lieut.-Col. Butler to make a fight of it. The Englishmen retreated to their stronghold in the mountains, the Deodand, where they might have made a proper stand. But they surrendered almost without a blow, upon terms which indicated Iberville's contempt for their courage. The surrender, indeed, by all accounts,

from that of the *Paris Gazette* to that of Col. Parke and the inhabitants themselves, was a discreditable affair. If the armed negroes succeeded in beating off the enemy, their white masters might well have maintained themselves for some time in the mountains (270, 274, 275, 282, 284, 318, 338, 357.ii., 406, 431, 519, 653, 654, 1200).

Iberville's
harsh terms.

Iberville, not content with an immense booty, behaved with barbarous ferocity and the most dishonourable lack of good faith (357.ii.-ix.). Besides carrying off large numbers of slaves and much shipping, Iberville extorted from the inhabitants, by *force majeure*, an undertaking to bring 1,400 negroes to Martinique in three months' time, and took four hostages to ensure payment (357.vi., 385).

Nature of
the Raid.

When the news reached London, Mr. Secretary Hedges at once wrote to re-assure the Colonists and to promise relief. The terms of the capitulation need not be observed. They had been extorted by force, contrary to the Laws of Nations, from a few persons who had no right to make them, and after all the articles of the capitulation had been barbarously violated by Iberville himself (398, 417, 591, 723). The British fleet would prevent a renewal of the attack. So it proved. The French from Martinique demanded the fulfilment of the terms. But for fear of the English fleet and an expeditionary force they did not come back to enforce them, any more than they could carry out their projected attack upon Jamaica. Iberville's expedition was, in fact, merely a raid undertaken with the object of plundering and damaging his enemy, without any hope of conquering the Leeward Islands (431.ii., 455, 560, 652, *p.* 329). In that object he had undoubtedly succeeded, although some of the booty was recaptured by Massachusetts privateers on the way back to Martinique (445, 448, 452, 455, 526).

Grant in aid
voted.

The damage inflicted was estimated at half a million sterling. Nevis was reduced to the utmost misery and disorder (455). In response to an appeal for help and various remedial measures, and upon an address of the House of Commons, a grant in aid was made and a Commission sent out to distribute it (341, 342, 355, 804, 804.i., 1048, 1063). Some French ships recently captured off the Irish coast were dispatched with provisions and stores

Help from
home and
Massachu-
setts Bay.

of war (417, 591). And before long Commodore Kerr, Commodore Wager and Sir John Jennings arrived with help from the Navy (427, 606, 723, 776, 961, 973). The proceeds of a relief "brief" issued in Massachusetts Bay were laid out in provisions for the relief of St. Kitts (526). Subsequently, the Council of Trade urged once more the despatch of good cruisers and more regular forces to guard the Leeward Islands, as had been recommended continually for the last ten years (499, 597, 1031*i.*, 1102, 1187, 1201, 1238, 1313). The soldiers already there had fared wretchedly, partly through the neglect of their absentee-officers, partly through the refusal of the Colonists to vote them quarters. This, they now represented, they were quite unable to do, and begged for the remission of the 4½ p.c.

Defence.

Nor did Col. Parke, on his arrival, find it easy to persuade the Colonists to continued and concentrated efforts at self-defence. In Antigua he proceeded with the fortification of Monk's Hill. In St. Kitts they worked hard at the defences, though the blowing up of the magazine on Brimstone Hill put them at a further disadvantage. At Nevis, the people waited for everything to be done for them by the Crown (520, 560, 620, 653, 763, 764, 838, 973, 1146, 1148, 1187, 1201, 1251).

Hurricane.

Pestilence succeeded the raid. And no sooner had the Islands begun to recover from the devastating effects of these disasters, than a terrible hurricane burst upon them, destroying every green thing in its course, and inflicting even greater damage than Iberville. Antigua alone was reported to have suffered loss to the amount of half a million (1132, 1200, 1293, *p.* 329). H.M.S. *Winchelsea* and *Child's Play* were lost in the storm (1132, 1200).

Death of
Col.
Johnson.

There are some hints as to collusion between Lieut.-Governor Johnson, and other leading men, and Iberville. Into this and other matters Col. Parke was ordered to inquire (472, 591). He gives what is probably an exaggerated account of Col. Johnson's incompetence (653). He criticised his strategy. But it is to be observed that when there were rumours of a fresh attack, he copied it, concentrating his troops, with himself at their head, at Antigua, as being "the richest and most likely to be attacked first" (763, 765).

At all events, Johnson's account was settled soon afterwards by Mr. Pogson, one of the Council of St. Kitts. For he was slain in a duel, which was little, if anything, short of murder. Pogson was acquitted by a jury composed of Justices. But he fled the Islands in order to avoid a further trial by Col. Parke. "A hangman," the latter observes laconically, "is like to have but little business in these Islands." The Attorney General pointed out that a man could not be tried twice for his life on the same count. Pogson was ordered to be turned out of the Council and deprived of all public employment. In spite of this, however, he was presently recommended for the Council, on the grounds that "his misfortune of killing a man may befall ye best of men" (491, 559, 559.i., ii., 653, 757, 833, 848.i., 862, 1465).

Pogson
acquitted.

Parke and
Codrington.

Upon his arrival Parke at once fell foul of Codrington, whom he accused of thwarting him at every turn (473, 519, 712, 839, 1380, 1447.i.). His despatches are those of a peevish and disappointed man (597, 1077). But in one particular they are noteworthy. For he explains the depopulation of the Islands as being largely due to the oppression of the rich and absentee-landowners, who bought up small estates and left them to be worked by slaves under one white overseer. The rich planters themselves he represents as independent and lawless, combining to oppress the poor and acquit each other in the Courts. Every rich man, he declares, is a Bashaw, who can commit even murder with impunity. In view of the experiences of Codrington, the death of Johnson, and the subsequent fate of Parke himself, these accusations cannot be regarded as devoid of foundation (519, 559, 1168, *p.* 521). Parke represents that his championship of justice cost him his salary and house-rent, which was not paid him (138).

The rich
Planters.

Laws
repealed.

The Act *for establishing Courts* was repealed, the Council of Trade recommending the passing of a Law for the better administration of justice (663, 1576). Several other Acts were disallowed for reasons stated by the Attorney General (302, 306, 307; *cf.* 1380). One of his objections to the Militia Act is curious. A clause in it provided that a soldier blaspheming a second time should be bored through

Militia Act.

the tongue. Seeing that these were the times when, according to "my Uncle Toby," our army swore so terribly in Flanders, it is not surprising that the Attorney General viewed with alarm a punishment likely to incapacitate the delinquents (164).

Trade. The Islands had been drained of cash by the action of the recent Proclamation, and the need of money was sorely felt (499, 710). Indications of the course of trade
Census. are given (171.vi., vii., 1184.i., 1590), and of the names of numbers of the inhabitants (1383.ii., 1396.iv.-vii.).

Parke's Residence. Parke had been ordered to reside at Nevis. But he preferred to establish himself at Antigua for six months in the year (519, 741, 1178, 1272). He was soon at logger-
Antigua. heads with the Assembly of that Island, of which he gives an account (1383.i., ii., 1388).

Capt. Kidd's Crew. A curious information is laid, describing how members of Capt. Kidd's crews were now settled in St. Thomas' and the Leeward Islands, and continued to carry on a profitable trade in piratical and illegal goods (53).

House of Commons' Enquiry concerning Newfoundland. The whole question of the French raids upon Newfoundland fishing stations and the decay of the fishery was considered by the House of Commons (*Journal*, Feb. 12 and 16, 1706) (32.i.). Upon an Address of the House, orders were given, directed mainly towards obviating the "uncertain and unseasonable sailing of convoys," to which the decrease of the fishery and the consequent lack of English seamen were largely due (41, 56, 104, 108, 115, 133, 716, 720, 721, 736, 743, 751, 1233, 1279, 1281, 1331).

Militia established. Much evidence was given as to abuses and irregularity in the trade and fishery. The project of establishing a permanent civil government there was mooted, but opposed. The need of a "minister not given to drink" was also insisted upon (101). The establishment of a Militia was also urged and presently carried into effect (101, 110, 155, 253, 254). Fishing Admirals were reminded to keep records and to send copies of their journals to the Privy Council (126). The Act to encourage trade to Newfoundland was to be more rigorously applied (726, 1353, 1463.i., 1468, 1488.i.).

Complaints against Lloyd and Moody. A Committee of the House was appointed to enquire into the complaints against Capt. Moody and Major Lloyd

(50, 57, 65). The charges against the latter, of forcing the soldiers under his command to trade with him, and of mulcting them of their pay, could not be ignored. His patron, Sir C. Hedges, wrote to caution him (114, 138, 216, 360). Evidence as to the embezzlement of stores was, however, damaged by the ravages of the French and by the loss of H.M.S. *Loos* off the Needles, with many documents relating to Newfoundland on board (4, 25.i., 26ff., 29, 52, 74).

Loss of
H.M.S.
Loos.

Inspection
of Stores.

It was only after long insistence that the Council of Trade secured that an inspection and return of Government stores should be made by the Commadore, restored to the position of C. in C. from which he had been unhappily removed in favour of Lloyd (252, 254, 1362, 1377, 1393.i., 1512.ii., iii.).

Capt.
Under-
down's
Reports.
His Raid
upon the
French.

Capt. Underdown's reports are given (588.i., ii., 1211.i.). Whilst in Newfoundland in the summer of 1707, he undertook a successful raid upon the French harbours and fishing ships, in which Lloyd bore his share (1109, 1110).

The Council of Trade cleared Moody of some of the charges against him. He seems to have been a brave soldier in action, but something of a rascal in barracks (52, 173ff., 228).

Placentia.

Placentia, it was again urged, must be wiped out (139). But Major Lloyd did no more than view the place, declaring that without the support of the inhabitants of St. John's and without the forces he had been promised from home he could not accomplish the task of taking the place (19, 419.i., 446.i., 533, 751). He showed some activity in

French
Raids.

checking French raids (453, 489, 1109). Before long, however, serious complaints came to hand against Major Lloyd, completely justifying the Council of Trade's estimate of his character. He was said to be hiring out the soldiers, bullying and taxing civilians, and entertaining the enemy at Fort St. John's, instead of fighting him. Whilst these accusations were being examined, a severe letter of reprimand in H.M. name was despatched to call him to account (1286.i., 1377, 1378, 1416, 1426.i., 1488.i., 1494, 1512.iii.).

Further
complaints
v. Lloyd.

Miscellanea.

Some words used in an obsolete sense remain to be noted. *Hurry*=disturbance [1560]; *amuzement*=

bewilderment, occurs frequently at this date ; *workhouse* = factory, as opposed to its modern specialised sense (310). A parson in Bermuda offended his parishioners by calling them *porgey-headed dogs*, a term of abuse presumably derived from porgy, the fish, which has a black head (1562). The word "deodand" = a stronghold in the mountains, recurs.

CECIL HEADLAM.

February, 1916.

COLONIAL PAPERS.

1706.

[? 1706.] **1.** Gentlemen residing in England, who have estates in Barbadoes, to the Council of Trade and Plantations. Pray that Kirton's petition may not have any influence with them to the prejudice of the Governor, representing as it does "a very few unquiet spirits that have but small estates, that will be content with no Governor, unless they can prevail upon him to pursue their measures, however injurious," etc. *Signed*, Paul Carrington, Wm. Andrews, Charles Cox, John Walter, Rich. Bate, Saml. Child, Phill. Scott, John Rollstone, Mel. Holder, John Hill, Wm. Trent, J. Colleton, Robt. Davers, Jno. Bromley, Pat. Mein, Richd. Scott, Wm. Estland, H. Bendyshe, Tho. Foulerton, Robt. Chester, Timothy Salter, Hen. Evans. 3 pp. [C.O. 28, 38. No. 42.]

Jan. 2.
Admiralty
Office. **2.** J. Burchett to W. Popple, jr. H.M.S. *Nonsuch* is under orders to come to the Downes. *Signed*, J. Burchett. *Endorsed*, Recd. Read Jan. 3, 170 $\frac{5}{8}$. *Addressed*. $\frac{1}{2}$ p. [C.O. 5, 1049. No. 2; and 5, 1120. p. 384.]

Jan. 2.
Whitehall. **3.** W. Popple to Mr. Burchett. Desires Capt. Bridge's reply to enquiries concerning Newfoundland. [C.O. 195, 4. p. 63.]

Jan. 2.
Star Inne,
Near ye Monu-
ment. **4.** Mr. Jackson, late Minister at Newfoundland, to the Council of Trade and Plantations. *Prays* to be heard on all matters concerning Newfoundland, to clear my reputation, etc. *Prays* to be excused waiting on their Lordships in person, we being all cast away in H.M.S. *Faulkland's* prize, and loosing almost all we had and myself labouring under a great indisposition of body then and ever since, etc. *Signed*, John Jackson. *Endorsed*, Recd. Read Jan. 3, 1706. *Addressed*. *Holograph*. 1 $\frac{1}{2}$ pp. [C.O. 194, 3. No. 91; and 195, 4. pp. 65, 66.]

Jan. 3.
Whitehall. **5.** W. Popple, jr., to Mr. Jackson. The Council of Trade and Plantations are sorry for your ill state of health. Till you are able to come abroad, they desire you would send in writing an account of the trade and fishery of Newfoundland, etc. [C.O. 195, 4. p. 67.]

Jan. 3.
Whitehall. **6.** W. Popple, jr., to Sir Wm. Phippard. The Council of Trade and Plantations, being informed by Mr. Blathwayt that you have received some accounts of this year's trade and fishery

1706.

at Newfoundland, desire you would communicate them to them. [*C.O.* 195, 4. p. 64.]

Jan. 3. **7.** W. Popple, jr., to Mr. Lowndes. *Encloses* bill, transmitted by Governor Nicholson, July 25, for 50*l.* usually paid out of the Public Revenue to the Agent of the Virginia affairs for the Lord High Treasurer's direction, Governor Nicholson not having appointed any Agent since Mr. Thrale's death. [*C.O.* 5, 1361. pp. 423, 424.]
Whitehall.

Jan. 3. **8.** W. Popple, jr., to Capt. Boys. You are to send the box by post from the Downs (*see* Dec. 27, 1705). [*C.O.* 5, 1120. p. 383.]
Whitehall.

Jan. 3. **9.** Council of Trade and Plantations to the Queen. *Recommend* that the Act of Maryland suspending the Act to *prevent the growth of Popery* [*see* Dec. 5 and 21, 1705] be continued without limitation of time, etc. Set out, *Acts of Privy Council*, II. pp. 497-499.] [*C.O.* 5, 726. pp. 354-357.]
Whitehall.

Jan. 3. **10.** Order of Queen in Council. Governor Seymour is to represent to the Assembly of Maryland *as preceding*. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Jan. 9, 170*½*. 4*½* pp. [*C.O.* 5, 716. No. 3; and 5, 726. pp. 360-362.]
St. James's.

Jan. 3. **11.** Order of Queen in Council. Refer *following* to the Council of Trade and Plantations to examine and report upon. *Signed*, Edward Southwell. *Endorsed*, Recd. (from Mr. Lowther), Read Nov. 11, 1706. 1*½* pp. *Enclosed*,
St. James's.

11. i. Col. Tobias Frere to the Queen. Councillor of Barbados 1687-1704, he withdrew from the sitting of Council constituting a Court of Chancery when a cause between himself and Wm. Springham came on to be heard. The Governor construed this withdrawal as voluntary and malicious, and dismissed him, without alledging any manner of misbehaviour on his part. *Prays* to be reinstated. *Copy*. 2 pp.

11. ii. Certificates, signed by R. Grey and J. Kendall as to Col. Frere's loyal service under their governments.

11. iii.-iv. Similar certificates. 26 signatures. 2 pp. [*C.O.* 28, 9. Nos. 71, 71. i.-iv.; and 29, 10. pp. 188-195.]

Jan. 4. **12.** Council of Trade and Plantations to Mr. Secretary Hedges. *Recommend* that Mr. Peregrine Browne have permission *as desired* (*see* Dec. 19, 1705); provided he do not sail with the *Nicholson*, from Maryland, before the convoy come thence, lest he fall into the hands of the enemy and give notice of the Fleet, and for that such anticipation is a discouragement to trade by forestalling the market. [*C.O.* 5, 726. pp. 358, 359.]
Whitehall.

Jan. 7. **13.** Mr. Secretary Hedges to Governor Seymour. You are to permit the *Nicholson* to sail without convoy any time after
Cockpitt.

1706.

the convoy now bound for Maryland has sailed thence. *Signed*, C. Hedges. [C.O. 324, 30. p. 52.]

Jan. 8.
Whitehall.

14. W. Popple, jr., to Mr. Burchett. The Council of Trade and Plantations being prest for their report to the House of Commons relating to Newfoundland desire you would move H.R.H. Council that Commodore Bridge come to this Board as soon as possible, with such papers as he may have in answer to enquiries relating thereto. [C.O. 195, 4. p. 68.]

Jan. 8.
Admiralty
Office.

15. Mr. Burchett to Mr. Popple. *Reply to preceding.* Capt. Bridge is ordered to send his answer and to repair to town as soon as the Court Marshall is over, which is to enquire into the losse of the ship he commanded, *etc.* *Signed*, J. Burchett. *Endorsed*, Recd. Read Jan. 9, 170 $\frac{5}{8}$. *Holograph.* *Addressed.* 1 p. [C.O. 194, 3. No. 92; and 195, 4. pp. 69, 70.]

Jan. 10.
Whitehall.

16. W. Popple, jr., to Mr. Attorney General. The Council of Trade and Plantations return you the enclosed papers relating to Mr. Allen, with a copy of his declaration in ejectment, and desire your opinion whether it be fit for H.M. to grant his petition, and whether H.M. by Order in Council may not prohibit the tenants in possession from committing wast, pending the suit, and untill the same shall be determined by H.M. in Council upon his Appeal. [C.O. 5, 912. p. 70.]

[Jan.] 10.
London.

17. Mr. Dummer to Mr. Popple. Gives sailings of the *Jamaica* packet arrived Falmouth Jan. 6, 103 days out and home. The Islands are indifferently healthfull. Nov. 29, met with the *Experiment* and *Terrible* fireships, 7 leagues to windward of Port Royall from Old England. One Coleby, a commander of a trading sloop to the coast of Cartagena, mett with a French privateer of 10 guns and 95 men, who [*had*] very much annoyed our trading sloopes, and taken many of them on that coast. Coleby had 8 guns and 40 men, being a bold man, resolved to give the privateer occasion of fighting and lay by for him, the privateer boarded him three times, and he as often cleared himself of his enemy, when Coleby perceived his advantage, boarded the privateer and take him, in this rancounter hee killed the French 11 men and wounded 30 more, with loss only of 2 of his own men. They have advice att Jamaica of the takeing of Barcellona, and great life is conceived thereupon for trade with New Spaine. *Signed*, E. Dummer. *Endorsed*, Recd. Read Jan. 11, 170 $\frac{5}{8}$. *Addressed.* *Sealed.* 1 $\frac{1}{4}$ pp. [C.O. 323, 6. No. 1.]

Jan. 10.
Whitehall.

18. Council of Trade and Plantations to the Queen. In reply to Order of Council Dec. 20, 1705, we humbly represent that the Proprietary and Charter Colonies in generall have no ways answered the chief design for which such large tracts of land and such privileges and immunities were granted by the Crown. They have not conformed themselves to the severall Acts of

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Parliament for regulating Trade and Navigation, to which they ought to pay the same obedience and submit to the same restrictions as the other Plantations subject to your Majesty's immediate Government, on the contrary, in Connecticut and Rhode Island the Governours have not applied for your Royall approbation, nor have taken the oaths required by the Acts of Trade, as required by the Act for *preventing frauds*, etc. They have assumed to themselves a power of making laws contrary and repugnant to the Laws of England and directly prejudicial to Legal Trade. Diverse of them have denyed Appeals to your Majesty in Council, by which not only the inhabitants, but others your Majesty's subjects are deprived of that benefit enjoyed in the Plantations under your Majesty's immediate Government, and the parties agrieved are left without remedy against the arbitrary and illegal proceedings of their Courts. These Colonies are the refuge and retreat of Pyrates and illegal traders, and the receptacle of goods imported thither from foreign parts contrary to Law, in return of which commodities, those of the growth of these Colonies are, likewise contrary to Law, exported to foreign parts; all which is much encouraged by their not admitting Appeals. They give protection to deserters and malefactors, etc. Repeat C.S.P., 1705, No. 975.i., Article (3). These Independent Colonies do turn the course of trade to the promoting and encouraging woollen and other manufactures proper to England, instead of applying their thoughts and endeavours to the production of such commodities as are fit to be encouraged in those parts, according to the true design and intention of such settlements. They do not in general take due care for their own defence and security against an enemy either in building forts or in providing their inhabitants with sufficient arms and ammunition against an attack, which is every day more and more to be apprehended, considering how the French power increases in those parts; nor have some of them any regular Militia established amongst them. These mischiefs chiefly arise from the ill use they make of the powers intrusted to them by their Charters, and the independency which they pretend to, presuming that each Government is obliged only to defend itself, without any consideration had of their neighbours, or of the general preservation of the whole. Upon this presumption they do refuse to furnish their quota of assistance (during the war) to the other Plantations under your Majesties immediate Government, notwithstanding your Majesties repeated commands by your Royall letters in this behalf. Under colour and pretence of their Charters, several of them try robberies, murders and other crimes, make Laws in capital matters, and punish with death, without any legal authority for ye same. They have refused to submit to your Majesty's and H.R.H. Commissions of Vice-Admiralty, and for commanding their Militia, and have defeated the power given to ye Governors of your Majesties neighbouring Colonies therein. Many of the Proprietary and Charter Governments have not complied with your Majesty's Proclamation for settling the current rates of foreign coins [June 15, 1704], but the people

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have proceeded to reduce the coin by clipping to a lower value than before, which is allowed to pass at any rate, in order to drain your Majesties other Plantations of their current money. So that these your Majesties commands will by such means remain ineffectual untill the severall Colonies in America be so regulated as to be brought under the same direction and Government. We lay before your Majesty some particular misfeasances. (1) *The Massachusetts Bay.* Quote from Gov. Dudley's letter July 25, '05, as to the Assembly's attitude towards clipped coin. They have absolutely refused to comply with your Majesty's directions to rebuild the fort at Pemaquid, contribute towards that at Piscataqua, or to settle any fixed salary upon your Majesty's Governour or Lt. Governour, but at the year's end give them, as also to the Judges and other civil officers such allowance as they pretend to judge they may have deserved, which renders their support precarious and dependant on the People. (2) *Rhode Island.* Quote from Gov. Dudley Nov. 3, '05. If any of H.M. subjects, not being inhabitants of that Colony, sue for a debt in their Courts, they can have no right done, if the defendant be one of that Colony. Quote Gov. Dudley July 25, '05, as to the refusal of the Government to recognise his Commissions to command the Militia, etc. Quote Gov. Dudley, March 10, '05, as to their granting a commission to John Halsey, a privateer, etc., contrary to their Charter and H.M. Order in Council Jan. 28, '04. The Quakers will not admit of any persons of estates or abilities into any places of publick trust. [Sept. 17, '02.] (3) *Connecticut.* They try robberies etc. and refuse to submit to H.M. and H.R.H. Commissions of Vice-Admiralty and for commanding their Militia *as preceding.* Refuse to allow appeals and give great discouragements and vexation to those that demand the same. Quote their conduct to H.M. Commissioners concerning the Mohegan Indians [Nov. 1, '05].

From the aforesaid irregular and illegal proceedings it will be easily judged of what great benefit the re-uniting to the Crown the Government of all these Colonies will necessarily be to your Majesties other Dominions, by the removall of these inconveniences, and by the uniformity and more due regulation of Trade, by the good correspondency that may be established thereby between your Majesty's severall Plantations, and by the common and mutual defence of all, as well as by preventing the great and frequent oppositions yt. are made to your Majesty's Laws and Government, by which means your Majesties Empire in America, which is of so great an extent, will be better secured from the attempts of any enemy, and become in all respects of greater advantage to this Kingdome, and to your Majesties Revenue arising from those parts. P.S.—As to the Bahama Islands, which by their scituation are of very great consequence to the trade of this Kingdom and safety of the navigation from the West Indies, we have made no mention of them, for that the Proprietors not having been able to defend those Islands, the Spaniards about three years ago with a very small force [having] destroyed and ravaged the said Islands and killed or carry'd

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off all your Majesties subjects there, nor have the Proprietors done anything for resettling the same. [C.O. 5, 1291. pp. 238-253.]

[Jan. 11.] **19.** Mr. Roope to the Council of Trade and Plantations. *Recounts history of Newfoundland settlement and fishery.* When the French came to Placentia, 1662, several English inhabitants were there and were by ye French suffered to live and enjoy their religion until ye beginning of ye late warr, when ye Governour ordered all that would not conform to ye Romish way to leave, wch. some did, others did nott, there being ye offspring of severall now there, and two of ye old men yett alive; they in few yeares increased theire fishery so as yt. they have in a manner destroyed ours, for there being nott att present vent enough for more Newfoundland fish yn. wt. about 35,000 men cann be imployed in, they, by haveing greate large tracts of fishing ground and many harbours, fish butt few shippes in a place, for they have about 90 leagues on ye east side to ye N. of us, in wch. they have many good fishing harbours, butt no inhabitants nor fortress; on ye W. they have about 150 leagues on ye Island side, and a farr larger quantity on ye maine, whereas wee now have nott passing 70 leagues in all, and ye fish cometh wth. ym. in ye beginning of Aprill, and wth. us nott before about ye middle of May, and they haveing for ye most part beach on ye W. side to dry and cure theire fish on, are ready to go to sea to fish in 4 or 5 dayes after their arrivall, whereas wee must be att least 3 or 4 weekes ere cann be ready to fish, and on ye East side nor on ye N. part of ye west side, they haveing no inhabitants nor by boats, so yt. wt. stages, flakes, etc. that they leave, they are sure to find wn. arrive ye next season, neither is any liquors etc. brought to debauch ye fishermen, whereas wee have to our greate loss and detriment, their fish being better cured, and commonly they take more for a boate, they have allso very wholesome lawes, wch. make all things goe easy. Soe that whereas formerly wee had about 600 sayle that did fish on ye banks and ashoare, and might have about 30,000 men imployed, now that they have such quantity and wee reduced to, in 1704, about 50 Europeans and 16 Americans, and, in 1705, about 40 Europeans and 20 Americans, most of the Europeans that fished came from Portugall, for itt it is so late every yeare ere ye convoy is appointed yt. ye best fishing season is over before they cann arrive. *Proposes* yt. itt may be represented to H.M. in Councell ye necessity of ye convoy departing before March 10. On Jan. 21, 1704, M. Subercasse surprised ye harbour of St. John's, etc. For some little time gave no quarter, butt soone contradicted yt. order; all ye men, wch. were about 220, were putt in ye church for a prison, wch. is an open place, and itt being a bitter sharp frost and much snow often falling, severall died of ye cold and severall had theire feet frozen. Some few days after he sent some Indians to Torbay, who killed 2 men several hours after they had given ym. quarter, etc. etc. [see C.S.P., 1705]. M. Subercasse sent about 230 prisoners

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to Placentia, whom he forced to work in their fishery, and at the end of the fishing season sent severall of ye youth to Canada, some for France, and other some are still at Placentia, who are said to have entred in ye French service, all ye Irish are certainly entred.

As to their settlements, Placentia is ye onely place yt. is fortified, and nott so strong as reported, haveing in ye fortress butt 120 soldiers, guns and 2 mortars, besides 300 Indians and 500 inhabitants of St. Peters (St. Pierre), Placentia and Point Verd. The constant inhabitants of Placentia in summer are about 200 men. Last summer there were 26 French ships, and one Spanier, 210 boats kept there, 12 great ships of St Malo fished att Pettit North, 10 ships att St. Peters, how many at Cape Britton and Nova Scotia knowe nott, one att Petitt Martire, and one att Petit Paradis ; for these 3 last yeares they have had a small ship of 18 guns to attend ye garrison, butt was never man'd in winter. *Proposes that* 4 light frigatts, 40 to 50 guns, depart from England about Feb. 20 or sooner, and be ordered to cruise, two on Bank Verd and two about Cape St. Mary's and ye mouth of ye Bay of Argenton, until ye midle of June, to take wt. ships they cann, and the latter from time to time to goe up ye Bay of Argenton as high as Placentia, going up on ye N.W. side and in ye night strech over to Placentia side and runn downe in ye morning all along ye shoare, and take and destroy wt. boats they cann, and all ye stages on ye Cape, etc., keeping ye men prisoners, and after ye cruice endeavour to destroy St. Peters, etc., and then take a cruice on ye bankes, and yt. ye convoys endeavour to take those att Petitt North.

Ye last season 24 of their ships bound to Placentia were taken, 21 by ye Dutch and 3 by ye English and one banker. *Signed*, John Roope, John Mouldin, a soldier carried from St. Johns to Placentia and now sent to France, and Wm. Riots, a smith, the same. *Endorsed*, Reed. Read Jan. 11, 1708. *Holograph*. 6 pp. *Enclosed*,

19. i. Account of the Newfoundland Fishery in 1705. 12 fishing ships from Portugall, 8 from England, burden about 2,400 tun ; 20 sack ships ; 20 from America. Ship's boats, 60 ; by-boats, 40 ; Buena Vista boats, 24 ; Trinity Bay, 16 ; Conception Bay, 40 ; St. Johns and ye Southward, 80 ; Total, 260. Stages, 80. Had 78,000 quintals of fish and 455 tun of traine oyle. Inhabitants, 800 men, 130 women, 200 children. A great deal of fish was spoyled by bad weather. In the Bays of Consumption and Trinity and att Buena Vista, they were so annoyed by ye Indians in ye fishing season yt. they are allmost utterly ruined. At the latter end of ye yeare they surprised and destroyed severall of ye vessels that came to carry the fish to St. John's. 1 p.

19. ii. English settlements N. of Bonavista, are Keeles, Little Barrow Harbour, Salvage, Green's Pond, Salmon Cove, where is a noble salmon fishery. The people of Buena Vista doe allso in winter goe to ye North some

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100 leagues to hunt and take good furr. $\frac{1}{2}$ p.
 [C.O. 194, 3. Nos. 93, 93.ii.; and 195, 4. pp.
 73-85.]

[Jan. 11.] **20.** T. Corbin to the Council of Trade and Plantations. From the first settlement of H.M. Colony of Virginia, the Secretary for the time being have always had the nomination, confirmation, commissionating, removing and displacing the Clerks of the several County Courts, with all fees and perquisites etc. H.M. hath granted a Commission to Edmund Jennings for that office in full and ample manner as any former Secretary ever had and enjoyed. John Taylor, gentleman, was commissioned and placed Clark of Charles City County, who in 1702 had leave from the Governor and Council to go for England for the recovery of his health, and admitted to recommend a fitt person to execute the place during his absence, and to be restored at his return. In 1703 the County of Charles City was by a law divided into two Counties, one of which retains the name, the other is called Prince George County; on the division Col. Nicholson, their Governor, claimed and insisted on, as a right, the nomination of the Clark of the new County (called Prince George) and accordingly nominated Richard Bland, gentleman. The late and present Secretarys seldom disposing of any such place without the Governor's knowledge or good liking, and being unwilling to contest in whom the right of nomination in this particular case lay, did commissionate Bland, being a person qualified for the execution of that office, and the trustee of Taylor had liberty to continue in the Clark's place of Charles City County some time. John Taylor was afterwards putt out of that office, hath now petitioned the present Governor to be restored, and to have the choice of the Clark's place of the Counties so divided, which H.E. hath thought fitt to lay before the Council. Who are of opinion that the petitioner's case deserves a favourable regard and ought in justice to have his choice of the Clerks' places. Whereas Mr. Secretary Jennings dos not seem in the least to desire to intrench or claim anything that may not of right belong to his Offices, or is not intended to be granted by the Letters Pattent to him, and that he may do right in this particular and other like cases, he humbly prays your Lordships' instruction whether, considering that the said office is granted by Letters Patents, under the Great Seal of England, to be executed by him or his deputy or deputies for whom he is and will be answerable, that he may have all the rights, immunities, profit, fees and nomination of Clerks be continued and asserted to him without the Council intermeddling with the appointments of said Clerks, who are the Secretary's Deputies in the several Counties commissioned by him. If any otherwise then what the said Secretary, or his predecessour hath practised would be the taking away the greatest part of the profits of his office. A determination having already been made in favour of the Secretary of Maryland in the like case between Col. Copley and Sir T. Lawrence. *Signed, Thomas Corbin. Endoried, Recd.*

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Read Jan. 11, 170⁶. 1 large p. [C.O. 5, 1315. No. 3; and 5, 1361. pp. 426-429.]

Jan. 14.
Whitehall.

21. W. Popple, jr., to Lt. Moody. The Council of Trade and Plantations desire you would let them have to-morrow morning an account of the trade and fishery of Newfoundland. [C.O. 195, 4. p. 86.]

Jan. 14.
Whitehall.

22. Same to Mr. Burchett. The Council of Trade being pressed to lay their report in a day or two at furthest before the House of Commons, desire you to let me know whether you have had any answer from Commodore Bridge, *etc.* [C.O. 195, 4. p. 87.]

Jan. 14.
Admiralty
Office.

23. Mr. Fawler to W. Popple, jr. *Reply to preceding.* A messenger is sent this night to Deptford to order Capt. Bridges to attend the Council of Trade and Plantations to-morrow. J. Fawler. *Endorsed,* Recd. Read Jan. 15, 170⁶. 1 p. [C.O. 194, 3. No. 94; and 195, 4. p. 100.]

Jan. 14.
Jamaica.

24. Governor Handasyd to the Council of Trade and Plantations. *Acknowledges* letters of Oct. 29, Nov. 1 and Aug. 30. I have likewise received the enclosed scheme relating to the packett boats, which I shall cause to be set up publicly at Kingston and Spanish Town; I presume to give your Lorpp's my opinion therein, that the packet boats will certainly answer the designe, in case there is not too great a quantity of merchants' goods transported from England hence [*? hither*], and from hence to England, which, as I am informed, is already practised. If so they will be liable to be taken as well as any other vessell, and by which means a great deal of plate and boullion, as well as rich merchantable goods will fall into the enemies hands; I was informed the last packett boat took with her 30,000*l.* in money and plate. I gave you an account in my last of the Act [*being*] past for quartering the souldiers, and likewise of 5 other Acts, which I s*ent* some time agoe; but such tacking I never have heard of in any Ass*embly*, and to speak plain there is no state to be made of their actions; the [*Quartering*] Act is but for 12 months, and that relating to Forreignors is for e*ver for*] which reason and many others I hope H.M. will not give it He*r Royal*] assent, but that it remain for 12 months till another Act is mad[e for] the quartering my Regiment, which I am in hopes I shall be able [*to persuade*] the Assembly to. Here are lately brought in by H.M.S. *Reserve* and *Bristoll* 5 sail of French merchant ships, taken off Cape Francoise laden with sugar. The Deputy Secretary, Mr. Nicholls, died here some few days agoe, and the Council and I have appointed Mr. Alan Brodrick to succeed him, who was formerly in that post, and is a very ingenious man and ffitt for it; any agreement the pattentee may make with him, I leave wholly to themselves. I have received here by this packett boat 52 recruits with my Major, a Lieut., Ensigne and Serjeant, and part of my Regiment's

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cloathing. I have an account from Coll. Johnson of Antegua, of advice Dec. 23, that the French at Martinico expect 30 sail of French men of war there, and that two of them were already arrived: I am of opinion it is only a French Gasconnade: but if otherwise, I doubt not but care will be taken to send an English fleet soon after them; and your Lorpps. may be assured, if their designe is against this Island, that I will to the last drop of my blood faithfully endeavour to defend the honour of H.M. Crown and dignity, and the interest of old England. Admiral Whetstone has been sickly for some time, and I am apprehensive will hardly recover his health in these parts: he writt me a letter three days agoe of his designing to bring Capt. Bennett Allen to a trial for his mismanagement with the two French ships, which I gave you an account of in my last. The Island of late has been attended with more than usuall [*morta*]lity, but now grows healthier. *Signed*, Tho. Handasyd. *Endorsed*, Recd. 12th, Read April 15th, 1706. 2 pp. [C.O. 137, 7. No. 20; and 138, 11. pp. 444-447; and (*extract*) 137, 45. No. 73.]

Jan. 14.
Cookpitt.

25. Sir C. Hedges to the Council of Trade and Plantations. *Encloses following*, for your observations thereupon, and what you can propose to be done for the benefitt of that place. *Signed*, C. Hedges. *Endorsed*, Recd. Read Jan. 15, 1706. 1 p. *Enclosed*,

25. i. A relation of the most material occurrences at St. Johns and parts adjacent during the administration of Lt. John Moody, from Sept. 12, 1704—Oct., 1705. London, Jan 8, 1705-6. *Complains* of the disaffection of Lt. Latham and Mr. Roop. Mr. Latham was given instructions for guarding the South Castle (*quoted*). The inhabitants refused to keep watch in the harbour as urged by Mr. Moody. *Recounts* in further detail the French attempt on the Fort etc. Jan. 21, 1704. Blames Lt. Latham for not having removed the barrels of powder to the South Castle. Praises behaviour of the soldiers. Estimate of damage done to St. John, and the other harbours by the French—188,000*l.* sterl. Accounts of ravages in other harbours. Lt. Latham's insubordination continued (June). The enemy's raids continued till Aug. (*details*). "The season being far spent, the garrison weake, and little or no hopes of any succors from England this year, Moody thought himself bound to take some further measures for the better security of the inhabitants, their effects and provisions, and to preserve a communication between the Fort and them. In order to which, he consulted with Captains of the men of war, who readily sent him 300 seamen, who helped his soldiers to build a new fortification and palisadoed it all round. Several masters of ships and some inhabitants lent their helping hands, so that the work was finished before the arrival of Major Lloyd. Relator also represented to Commodore

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Bridge the bad condition of the garrison and that Relator's commands were not obeyed; he proposed repairs for the fort *etc.*, which were also finished. Oct., 1705 Capt. Chamberlaine in the *Litchfield* prize and Capt. Partington, in the *Anglesea* arrived with Major Lloyd and a new company of foot to releive the garrison, who with the Relator sailed on Nov. 21, 1705 with the Commodore, on board H.M.S. *Loo*, which on Dec. 12 was cast away by the Needles and several seamen and soldiers drowned. Relator got ashore with the loss of all his effects and many of his papers, climbing up the cliffs with ropes " *etc.* Signed, J. Moody. 27 large closely written pp. [C.O. 194, 3. Nos. 95, 95.i.; and (without enclosure) 195, 4. p. 101.]

[Jan. 15.] **26.** Mr. Roope to the Council of Trade and Plantations. M. Subercasse's seizure of the harbour of St. John's, Jan. 21, 1704(5) was known by ye meanes of Archebald Taylour, a soldier of ye garrison yt. about sunnryseing lowered ye litle draw-bridge and went out with a bottle of rumm to drink with some of his consorts, but wn. he came on ye uttmost pt. of ye glacis, he saw ye enemy, who fyered on him. He allarmed the garrison. About 5 or 6 of the enemy crep up to ye top of ye gassis, and fired and killed one of our people, one of them was killed, the rest retired. Our people cleared away the snow from the guns, and yt. was all ye times yt. ye enimy was neare ye Fort. About 14 dayes after M. Subercass sent *enclosed* letter. The parlee proposed was held for 4 dayes and then broak off. On ye 2nd day M. Subercass forced me to write to Mr. Latham the enclosed letter, which your Lordships were informed was treasonable.

M. Subercasse nott gaineing his point, haveing found 2 barrils of powder, gott 2 sacre gunns on an hill about 300 yards from ye South side Castle, begann to cannonade ye woodwoerk thereof, and fiered on the first day about 50 shott, butt finding that he did little or no dammage, after yt. they fired butt now and then, and seeing ye sloop yt. he had ordered to come wth 200 shells and an 11 inch mortar did nott appeare, nor theire fire-arrowes yt. they threw into ye South side Castle did not take (for they were nott well made) he prepared to goe offe, after haveing destroyed about 40 tunn of ye timber of ye boome *etc.* One Gouling, a missionary Jesuit, allways kept close to ye Indians untill they came to Ferriland *etc.* 'Tis said that there was an Order from the Court of France for ye expedition, for as soon as ye *Charente*, a King's ship, arrived att Placentia, *La Vespe* was with all possible speed fitted out for Quebeque and brought back about 100 Indians and Canadiens *etc.* and plundered Conception Bay *etc.* About ye beginning of July, there came to Plasentia Bay about 150 Indians of another Nation, and went immediately to disturb our fishery, and ye Governour did declare yt. our fishery should allways be disturbed, and yt. he expected a greater force, and yn. would again attempt St. Johns. Signed, John Roope. 3½ pp. *Enclosed*,

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26. i. Mr. Roope to Robert Latham. St. John's, Feb. 4, 170 $\frac{1}{2}$. Misfortune hath made me a prisoner of war. The Governor of Placentia was much enraged against you because there were 3 musketts fired on his flagg of truce, butt I told him yt. itt must be donne without your knoweledge. He declareth yt. he knew nothing of ye burning of your house, butt to ye contrary, he is for makeing good anything to an officer. There is a treaty on foote between Mr. Moody and him, I think itt is about a surrender; he would nott att first heare yt. you should be conserved in ye treaty, butt now is satisfied yt. you be. So desire you to take ye best measures yt. yo cann think of *etc.* Signed, John Roope. *Endorsed*, Recd. Read Jan. 15, 170 $\frac{1}{2}$. *Addressed* "au Commandant du Chateau" *etc.* *Sealed*. 1 p.
26. ii. M. Subercasse to the Commanding Officer in Fort William, St. John's, Feb. 13, 170 $\frac{1}{2}$. My intentions were to possess myself of ye harbour of St. Johns and of all ye other ports belonging to England, weh. by God's assistance I have donne. *etc.* Am willing to grant a reasonable capitulation *etc.* If you think of entring into a treaty, I will send you any one of the prisoners yt. you shall think fit to have with you, on your parole to return him if we cannot agree, *etc.* *Copy*. 1 p.
26. iii. Same to same. Feb. 14. "According to your desire I send Messrs Campbell and Pemberton, with whom you may consult." Desires him not to insist to have the Officer commanding the Castle on the South side amongst those that are to treat with him, he having fired on a flag of truce *etc.* *Copy*. 1 p. [C.O. 194, 3. Nos. 96, 96.i-iii.; and 195, 4. pp. 88-99.]

Jan. 15.
Cockpit.

27. Mr. Secretary Hedges to Governor Sir B. Granville. In answer to yours of Oct. 22, H.M. gives you a latitude to act for ye best of her service and ye advantage of her subjects, ye poor prisoners at Martinique, in all you do for exchanging ye French men who were condemned at Barbados some years since, and for ye exchange of whom orders have been sent you, but since ye Governor at Martinique trifles with you in pretending to have ye French prisoners set at liberty, and seems to have a reserve not only to capitulate for ye exchange of H.M. subjects, but for damages to ye Fr. men so long detain'd, you are to use great caution yt. you are not tricked in that matter, in case you should set ye Fr. men at liberty as is demanded. It is not to be disputed now whether the French were justly condemned or not, the Court Martiall, who were competent judges, determined that point, and tho H.M. thought fit to remit ye punishment, that ought to be looked as an act of H.M. great goodness and clemency, for there is no question but by ye laws of war they ought to have dyed, and yt. penalty may still be executed in justice, tho' H.M. will not have it done so long after ye fact

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committed. *Signed*, C. Hedges. *Holograph*. 1½ pp. [C.O. 137, 51. No. 10 ; and 324, 30. pp. 57, 58.]

Jan. 15.
Whitehall.

28. Council of Trade and Plantations to Mr. Secretary Hedges. We have received inclosed Memorial. We have only to add that the Leeward Islands are very much exposed to the insults of the French, not only from their Islands intermixed with those of H.M., but in the passage of their fleets from Europe, and that in the beginning of the last warr, the regiment commanded by the Duke of Bolton did consist as sent from hence of 900 men, officers and servants included, which were afterwards reduced to the number of 500 effective private soldiers, but in what manner it shall please H.M. with regard to the other affairs now to regulate the defence of these Islands is humbly submitted, *etc.* *Autograph signatures*. 1 p. *Enclosed*,

28. i. Governor Parke to the Council of Trade and Plantations. *Repeats* Memorial of May 31, 1704, and requests the Board to lay the matter before the Queen in Council, that something may be done before the convoy sails on Feb. 10. *Endorsed*, Recd. Read Jan. 15, 1705. 1 p. [C.O. 152, 39. Nos. 107, 107.i.; and 152, 6. No. 32 ; and 153, 9. pp. 288-291.]

Jan. 16.
London.

29. Mr. Jackson to the Council of Trade and Plantations. Lt. Lloyd (1704) used for trade H.M. money, put into his hands to pay the soldiers at Newfoundland, by falling the price of fish with his ready money, and buying liquors at low rates, he forced soldiers and inhabitants to buy of his sutlers at unreasonable prices, so that they became debtors and slaves the next fishery season to him, for by his arbitrary power he would be paid first, and sweep their rocks of fish, not allowing an equal dividend to be made amongst the creditors. *Quotes* his barbarous treatment of Adams. James Benger he imprisoned because he would not pay a debt, *etc.* This was his frequent practice amongst his debtors, that they would run from their flakes and business as from an Indian, when they saw him coming, wch. he often did with his sword and cane in hand, threatening, if not beating, those he lighted on. When ships arrived first into the harbour he would forestall the inhabitants, and set his own rates upon goods. When Masters of ships came to demand payment therefor, he hath cavil'd with some, beat others, as Capt. Hatch, Capt. Davy, Capt. Pickering, *etc.*, for demanding the reasonable rates they sold to others. He compelled the inhabitants to testify to his good behaviour. His return to the country this year was so amazing to most, that notwithstanding all the asseverations he made, many of the old sufficient traders and planters have left the country and business for fear he should treat 'um as formerly. He has declared that as it cost him dear to re-assume the Government, so he is resolved to repay himself *etc.*, and now doth actually keep there Mr. Tarrant as his factor, *etc.* He allowed the garrison to go to ruin, the soldiers undisciplined and their sufferings intolerable. He took one Short's lawful

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wife into his own bed and gave her absolute power. He forced the soldiers to hire and was a mere debauched libertine, not only damn'd and cursed me, but prevented people from attending service by his immodest revellings etc. The harbour was surprised through the people following Roope's advice and not guarding it as Lt. Moody urged them to do *etc.* *Prays* to know his accusers, *etc.* *Signed*, John Jackson. *Endorsed*, Recd. Read Jan. 17, 170 $\frac{5}{8}$. *Addressed*. 8 pp. [C.O. 194, 3. No. 98; and 195, 4. pp. 130-143.]

Jan. 16.
Cockpitt.

30. Mr. Secretary Hedges to Governor Sir B. Granville. Francesco Pavia, with his wife and family, who [*were*] very serviceable to the English in the expedition to Cadiz, where they left all their effects, and came into England with the fleet, intending to settle in Barbadoes, H.M. has not only bestowed her royal bounty upon them to transport them thither, but also recommended them to you, that you will give them all fitting countenance and assistance, *etc.* *Signed*, C. Hedges. [C.O. 324, 30. p. 53.]

[Jan. 16.]

31. Mr. Roope's account of stores necessary for completing the boom of St. Johns. *Endorsed*, Recd. Read Jan. 16, 170 $\frac{5}{8}$. $\frac{3}{4}$ p. [C.O. 194, 3. No. 97; and 195, 4. p. 103.]

Jan. 16.
Whitehall.

32. Council of Trade and Plantations to Mr. Sec. Hedges. *Enclose following*, that you may receive H.M. leave for our presenting the same to the House of Commons. *Autograph signatures*. 1 p. *Enclosed*,

32. i. Council of Trade and Plantations to the House of Commons. [See Dec. 21, 1705.] *Quote Representation of Feb. 170 $\frac{1}{2}$, and reports subsequently received and calendared supra concerning Newfoundland trade and fishery, and the French there.* "The English that continue there yearly are dispers'd into about 30 greater harbours besides coves and other fishing places above 80 leagues distant from North to South. The English live there the whole year without any civil or military Government in all the [*enumerated*] harbours and coves, except St. Johns, where a Captain only his one [*? own*] officers and soldiers; and by reason of the distances of the habitations from each other, and the inhabitants being under no discipline, they will constantly be exposed to the incursions of the enemy, who are under strict discipline and rules of Government. . . . Our fishery has not of late years been so considerable as formerly, which may be imputed chiefly to the interruptions and difficulties occasioned by the War, *etc.* The inhabitants have not a due regard to the Act of Parliament, 1699, to encourage the trade to Newfoundland. *Quote instances from Commodore's Reports given supra.* For the preventing of which irregularities, we humbly offer, that a power be given, by a clause in an Act that

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shall be passed, to the Commanders of H.M. ships of warr, and to the Admirals of each harbour in New-foundland, to lay fines and penalties upon offenders, not exceeding 5*l.* sterl., and a power of confining such offenders in case of non-payment, not exceeding 10 days ; that the Commanders of H.M. ships of war may have the power of a Custome-House Officer to search the New England ships upon their coming, and to take an account of the number of their seamen and passengers and to take bond from each of the Masters, that they shall not carry away a greater number of men than they brought, which we hope would in a great measure prevent the irregularities committed by the New England traders. *Repeat accounts of decrease of the fishery since the coming of the French, 1657.* We cannot but conclude that whilst Placentia does remain in the hands of the French, our fishery will be under continual discouragements. This Report was delayed in hopes of the attendance of Commodore Bridge, whose ship was cast away, *etc.* [C.O. 195, 4. pp. 104-129 ; and (without enclosure) 194, 22. No. 57.]

Jan. 17.
Whitehall.

33. Mr. Secretary Hedges to Governor Handasyde. *Acknowledges* letter of Nov. 20. I have laid before H.M. yr. proposall for exchanging yr. men at ye expiration of 6 years, which is approved, and if anything els could be proposed as an encouragement for those men, it would have a gracious reception. I am sorry ye Assembly has not answer'd yr. expectation in what you have pressed so much for H.M. service ; their proceedings are under consideration, and by my next you may hear of ye result ; at present I can only assure you H.M. is well satisfied in yr. zeal for her service, and as a mark how much she depends on yr. care and prudent conduct, I herewith send you H.M. Instructions relating to an affair of ye greatest importance, for H.M. doubts not but yr. prudence and experience will enable you to put her commands in execution in ye best manner for carrying on ye proposed service, and therefore has not only given you a latitude as to ye time and manner of dispersing ye papers, but relies very much on your advices and conduct in the further carrying on of this design. You may observe ye promises of assistance are upon notice given how far ye Spaniards approve and are ready to co-operate with such forces as H.M. shall send, and therefore I am to desire you will be as particular and as timely in ye advices concerning all yt. is expected from hence as is possible. The printed papers contain a full account of our successes in old Spain, *etc.* I believe I need not trouble you with any observations on the methods taken by ye French for working themselves into ye Span. W. India trade, since they can't escape yr. observation, but since it is of consequence to have that design thoroughly insinuated to ye Spaniards, and to make them sensible of ye practices and designs of ye French for monopolising their trade, it cannot be amisse

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to repeat to you, by the enclosed paper, what occurs to me, tho' it may be no news to you. The Queen having been informed that Lt. Arbuthnett of Col. Livesay's Regiment in Jamaica has been condemned to dye for mutiny, and that he is since distracted, is pleased to pardon him, *etc.* Signed, C. Hedges.

2 $\frac{3}{4}$ pp. *Enclosed,*

33. i. H.M. Instructions for General Handasyde. St. James's, Jan. 14, 170 $\frac{5}{6}$. The Kingdom of Catalonia having submitted to Charles III, and it appearing to us that there is a very good disposition in Arragon and Valentia to enter into the same measures, wee cannot but think this juncture so very proper and favourable for inviting and encouraging the Spaniards in the West Indies to shake off the French servitude, and follow the example of their friends in Old Spain, that it ought not to be neglected, as being a matter of the greatest importance to us and our allies. In case therefore you shall find any disposition in the Spaniards in America to declare for King Charles III, you are, by all proper means, to encourage them therein, giving them assurance of assistance and protection upon the first notice that can be sent of it to Europe, and for that purpose you are to disperse the advertisement and declaration, herewith sent you, upon the coast of Hispaniola, Cuba and of the other Dominions of Spain in the Terra Firma, or elsewhere, as you shall judge best for the publication thereof, together with the letters of the King of Spain and other papers that accompany it, which you are to do at such time as you think most proper *etc.* And you are particularly to assure them, that in case they desire it, we shall be very ready, upon the first notice, to send them assistance both by ships and land forces, with armes and ammunition, and other necessaries to be landed at such places, and employed in such manner as may be of the greatest use for rescuing them from the yoke of France, and restoring their trade to the ancient Channel between Old and New Spain. You are also to let such as are well disposed know that King Charles III, their natural Sovereign, is taking measures for sending with all expedition to the principall parts of the West Indies succours of naturall Spaniards with Military and Civil Officers for their assistance and the good government of those parts in his own Royal name, and is likewise providing for the Ecclesiastical Government in the manner accustomed. You are, from time to time, to give a particular account to one of our Principal Secretaries of all you shall do in this matter, and what progress you make, and how you find the Spaniards disposed, and also whether they are willing to receive any of our forces and joyn with them, and what assistance they want, and what time and place they expect them. Signed, A. R.

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33. ii. An account of the French monopolizing the Spanish West India Trade. It having been the chief aim of the French in possessing themselves of Spain, to make themselves masters of the West India trade, M. du Casse, who has lived about 30 years upon Hispaniola, near the Spaniards, and had used the profession of buchaneeering, became well acquainted with the interests and practices of the Spaniards in the West Indies, and made himself first well known to the Court of France upon the occasion of Pointy's expedition to Carthagena, wherein they had great disputes about the plunder. Soon after, the late King of Spaine dying, Du Casse persuaded the King of France to take to himself the direction of the Assiento, or farme of the negroes, that is so absolutely necessary for the trade and subsistence of the Spanish West Indies, which was thereupon divided into 3 shares, one to the King of France, one to King Philip, and the other third to Du Casse and his associates, French and Spaniards. By this contract the French have liberty to carry negroes to the Spanish West Indies in their own ships, and with all sorts of provisions and other necessaries for their trade, and also to bring back in the same ships directly to France, all sorts of Spanish effects, gold and silver, cochenil *etc.*, as the price of their negroes, and under that pretence everything they can purchase or gett credit for, which never having been before allowed of to any forreign Nation, nor to the Spaniards themselves otherwise than in the Flota and Galeons with some inconsiderable exception, the Galeons and Flota are become almost useless, or are at least made so by the French, who choose rather to bring home the Treasure of the Indies in their own men of war and merchant ships, than to entrust it to the Spanish fleets, which are not only apt by the formality and stated times of their sailing to fall into our hands, but being obliged to come to Cales, or at least to be subject to the orders of the Contratation house, or Council of Merchants at Seville, for a proper distribution of the effects to all the parts of Spain, the French cannot divert them so conveniently to their own profit and purposes, nor furnish the Indies so well with their own native commodities as directly from France, which is the occasion, that all possible means are used by the French, and M. du Casse in particular, to hinder the going out of the Galeons and Flotta, as it is now said the Spanish Court has been perswaded at present to putt a stop to them for this year, which being on the one hand very injurious to the Spaniards, as well in Spain as in their American Dominions, and very advantageous to the French, there is no doubt but this prohibition will cause very great discontents (more

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than any other thing can do) in Spain, as also in the Spanish West Indies, so on the other hand it will be very proper to make this design and contrivance of the French well known and understood in the Indies, to provoke them to a revolt, to which they are otherwise sufficiently inclined, since by such embargo the inhabitants of those parts must be reduced to the greatest necessities by the want of means of subsistence, as well as of a vent of the produce of their labours and estates, unless they will submit to be further imposed upon in the prizes of all sorts of goods and effects by this Monopoly of the French, instead of their former correspondencies and dealings with their own factors and countrymen of Old Spain. [C.O. 324, 30. pp. 54-60; and (without enclosure ii.) 137, 51. Nos. 9, 9. i.ii.]

Jan. 17.
Whitehall.

34. Council of Trade and Plantations to the Queen. We have considered a collection of the Laws of Pennsylvania passed by Mr. Penn there in 1700 and 1701. We concur with the objections of the Attorney General to several [*quoted. See C.S.P., 1704, No. 604.*]. We have likewise examined all the other Laws aforementioned with relation to the good Government of that Province and the due regulation of trade, and do find divers reasons for your Majesties disallowing and repealing several (*annexed. See C.S.P., 1705, No. 1278.i.*). As to the others, we have no objections, so that in case your Majesty do not see cause within 6 months from their being now delivered to your Majesties Privy Council to repeal any of them, they will remain in full force pursuant to the Charter of Propriety. *Annexed,*

34. i. List of the Laws of Pennsylvania, 1700 and 1701. *See C.S.P., 1704, No. 604, and Acts. [C.O. 5, 1291. pp. 254-295.]*

Jan. 18.

35. Sir T. Laurence to the Council of Trade and Plantations. The Law lately passed in Maryland for taking away the benefit of the ordinary licences from the Secretary is in a particular manner intituled a petitionary Law humbly offered to H.M. for her assent. The Secretary prays that directions may go to the Governor that the profits arising may be kept in bank till H.M. pleasure be known. Mr. Wm. Bladen is Clerk of the Council and Clerk of the Council in Assembly, for which he is allowed 12,000*lb.* tobacco for each *etc.* He keeps those offices distinct from the Secretary's Office, but hath formerly and now lately charged ye Secretary for copies of Journals of Councils in Assembly sent to this Board, under pretence that one Journal of Council in each Assembly is delivered into the Secretary's Office to be kept among the Records of that office. The Secretary prays that Mr. Bladen, who hath the sole advantage, may be obliged to deliver to him or his Deputy the copies and duplicates of such Journals of Council in Assembly as are to be examin'd by him and to be sent by him to this Board, and that it may be declared to be his duty so to do. *Signed, Tho. Laurence.*

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Endorsed, Recd. Read Jan. 18, 1705. Holograph. 1 p.
[C.O. 5, 716. No. 5; and 5, 726. pp. 363-365.]

Jan. 18. **36.** Order of Queen in Council. The Appeal of George
St. James's. Lillington (Dec. 13, 1705) is admitted *etc.* See Acts of Privy
Council, II. p. 493. *Signed, John Povey. Endorsed, Recd. Read*
Feb. 12, 1705. 2 pp. [C.O. 28, 9. No. 33; and 29, 10. pp.
32, 33.]

Jan. 18. **37.** Order of Queen in Council. The fine of 2,000*l.* is to be
St. James's. repaid to Mr. Lillington, until his appeal be determined. *Signed*
and endorsed as preceding. 1½ pp. [C.O. 28, 9. No. 34; and
29, 10. pp. 34, 35.]

Jan. 18. **38.** Mr. Jackson to Sir C. Hedges. *Duplicate of No. 29.* [C.O.
194, 22. No. 58.]

Jan. 19. **39.** Lt. Moody to the Council of Trade and Plantations.
Answer to Major Lloyd, Nov. 21, 1705. He alleges there were 29
men wanting in the Company. There were but 23 as appears by
the muster-roll. The provisions belonging to them will not near
make up those supplied to the inhabitants and deserters during
the siege, for which I demanded payment, but received none.
I hope the sufferings of the soldiers will indeed be inquired into.
Neither I nor they have received either cloaths or one farthing
subsistence since Mr. Lloyd's suspension. Mr. Huxford, the
storekeeper, is accountable for the stores. *Signed, J. Moody.*
Endorsed, Recd. Read Jan. 21, 1705. 1 large p. [C.O. 194, 3.
No. 99; and 195, 4. pp. 152-155.]

Jan. 19. **40.** Lt. Governor Evans to the Council of Trade and Planta-
Philad. in tions. *Refers to letter of Nov. 9, 1705.* The annual Assembly of this
the Prov. of Province has a few days ago ended their first sessions, having
Pennsylvania. first agreed to a considerable number of Acts, partly such as were
excepted against by the Attor. Genll., and the rest such new
ones as the country seem'd to stand in need of. Copies shall
be sent as soon as transcribed. Of these, two have given me
the greatest concern. (1) An Act *directing the qualifications*
of officers etc. Att my arrival in this Province I found H.M.
Order of Council as to officers *taking oaths or the affirmation*
[quoted. See C. S. P. 1703. No. 219]. To this a due obedience
was generally paid thro' out the Governmt., and has been so ever
since. But there arose upon it one difficulty which made many
of the people very uneasy, wch. was that tho' the Quakers were
by the sd. Order allowed to be in office, yett seeing they cannot
administer an oath with any more freedom than they can take
one, so in such cases where a Magistrate is not present that can
administer one, (as in cases cognizable before one Justice
only *etc.*), it must often happen that it would inevitably occasion
a failure of Justice if nothing but a direct oath should be allow'd
to passe. *Refers to Minutes of Council and Address of Assembly*
enclosed. As her sacred Majesties Orders shall always with

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me have the uttmost force and efficacy of a Law, so I proceeded with the greatest tendernesse and caution upon it, But finding the Country would by no means be satisfied or the Assembly depart, or at least agree to anything of what importance soever unlesse they could have that piece of regard shewn to the exigencies of their circumstances, which they said so loudly call'd for it, and which could scarce by any be interpreted to interfere or clash with H.M. Order when reasonably expounded. I prevail'd with them, however, to allow a sufficient time in the Act before it should be in force to know H.M. pleasure therein that notwithstanding the Bill had the sanction off an Act here, yett nothing should be done by it till such time as H.M., if found repugnan[t] to Her Royal pleasure, might lay her commands upon me *etc.*, for the Act takes not place till Sept. 20, 1706, which I told them was the uttmost and last point I could possibly strain to. What in no small measure prevail'd on me to agree to this Bill so far as I have done was, that it does really very much exceed what could be expected from an Assembly of this Province at this time on this Head, for oaths according to ye Queen's Order are therein allow'd (as far as these people can expresse themselves upon that point) to all such as are willing to take them, if there be any magistrate present that can administer them, as in ye Courts of Justice there will or may be always such, but in case of private Magistrates it may sometimes be otherwise, and where an oath cannot be taken, (that is where a proper officer is not present to administer one), there the affirmation according to the Law of England must, which by all mankind that consider it, is judg'd to be very obligatory and binding and very sollemn. The only difference, then, between H.M. Order and this Act consists in that difficulty wch. I have mentioned before. Notwithstanding it's very probable that some here may raise objections, wch. if they do will be no more than is too common in these parts, from some or other upon everything that passes. I have used ye most tender regard possible to H.M. Order, and because this seem'd not fully in all points to come up to the sd. Order, therefore I endeavour'd intirely to divert it *etc. Prays for directions.* (2) For the second [Act] about the money, it is with no small regret I have observ'd H.M. Proclamation so little complied with, but it was impossible for me to force it while the Govmts. arround us take no notice of it, N. York being of so much more note and more immediately having the happiness of being under H.M. Directions than the adjacent Colonies will always serve for a precedent in such cases, and their example very much lead their neighbours. All I can say to this Act is, that the People very much press'd for a better Regulation, and yett till N. York and others began, could not be induc'd to fall in with ye Proclamation. Observing this, I was of opinion that such an Act as this, reducing all weights to one certain common value, would the most of anything facilitate ye practise of H.M. Proclamation, whenever orders should come (upon ye present generall neglect) more effectually to putt it in force thro'out ye Continent. And therefore I agreed that such

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a Bill should be drawn up and pass'd, which because it is of such general use I caus'd to be printed *etc.* In accordance with H.M. Proclamation, signified in a letter sign'd William Popple, jr., I have caused a Thanksgiving to be duely solemnised; tho' I was att a losse to know by whose Order it was sent, that being not mentioned in the least, and the Gentleman a stranger intirely. In cases of this nature, a Govmt. would act upon sure grounds, *etc. etc.* Signed, John Evans. *Endorsed*, Recd. 15th, Read June 17th, 1706. 8 pp. *Enclosed*,

- 40. i. Representatives of the Province of Pennsylvania to Lt. Governor Evans, in favour of the Bill relating to oaths, *referred to in preceding*. 11th 11 mo. 170 $\frac{5}{8}$. Signed, Jos. Growdon, Speaker. *Endorsed as preceding*. 1 $\frac{1}{2}$ pp.
- 40. ii. Minutes of Council and Assembly of Pennsylvania upon a Conference concerning the Bill relating to oaths. Signed, James Logan, Sec. *Same endorsement*. 6 pp.
- 40. iii. Printed copy of Act of Pennsylvania *proportioning the rates of money*. 1 p.
- 40. iv. Copy of an Act of Pennsylvania, *directing the qualifications of all Magistrates and Officers and the manner of giving evidence*. *Endorsed as above*. 3 $\frac{1}{2}$ pp. [C.O. 5, 1263. Nos. 114, 114.i-iv.; and (without enclosures) 5, 1291. pp. 399-407.]

[Jan. 21.] **41.** Merchants of Bideford trading to Newfoundland, to the Council of Trade and Plantations. For many years past petitioners have sent 40 to 50 ships a fishing voyage to Feryland. The French and Indians have no less than three times the last year destroyed all they could not carry away from thence. Pray that a fort may be erected there and a man of war be sent to Milford by Feb. 20 to convoy their fleet and protect them till the fort be finished. 13 signatures. *Endorsed*, Recd. Read Jan. 21, 170 $\frac{5}{8}$. 1 p. [C.O. 194, 3. No. 100; and 195, 4. pp. 156-159.]

Jan. 21. **42.** Council of Trade and Plantations to Mr. Secretary Whitehall. Hedges. We have received a Memorial from Lt. Moody (Jan. 14), wherein he sets forth the faithfull services of the soldiers lately returned from Newfoundland, and their sufferings. And they being at present at Portsmouth, wee do propose that Sir John Gibson, Lt. Governour of that Garrison, may have directions to examine them touching proceedings there; and also to give his opinion *on preceding memorial*, he having formerly commanded in Newfoundland. [C.O. 195, 4. pp. 159, 160.]

Jan. 21. **43.** Mr. Secretary Hedges to the Council of Trade and Cockpitt. Plantations. *Refers back* the Address of the Assembly of Virginia, complaining against Col Quarry. You are to report how you find the fact, and what may be fit for H.M. to do in it. Signed, C. Hedges. *Endorsed*, Recd. Read Jan. 22, 170 $\frac{5}{8}$. 1 p. [C.O. 5, 1315. No. 4; and 5, 1361. p. 430.]

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Jan. 22.
Barbados.

44. Governor Sir B. Granville to the Council of Trade and Plantations. This packet boat brings me no commands *etc.* *Encloses* Minutes of Council, Acts and Naval Officers' Accounts. We have here a very strong report of a considerable French squadron expected dayly at Martinique, it is to consist, they say, of upwards of 30 men of war, some fireships and bomb vessels. *Signed*, Beville Granville. *Endorsed*, Recd. 12th, Read April 15th, 1706. *Holograph*. 1 p. *Enclosed*,

44. i. List of ships entered and cleared at Barbados, June 25—Sept. 24, 1705. For England 28; for the Plantations, 38. Sept. 25—Dec. 24. For England 1, for the Plantations 56. Cargoes of sugar, rum, mellossoes, cotton, lime-juice, ginger, aloes. *Same endorsement*. 2 pp. [C.O. 28, 9. Nos. 37, 37.i., ii.; and 29, 10. pp. 42–45; and (extract from letter) 28, 38. No. 43.]

Jan. 23.
Whitehall.

45. Council of Trade and Plantations to Mr. Secretary Hedges. *Enclose* following to be laid before H.M. *Annexed*,

45. i. Council of Trade and Plantations to the Queen. Upon examination of the Address of the Assembly of Virginia [No. 43] we find the same is chiefly intended to lay before your Majesty a complaint against Col. Quarry, as if he had insinuated to us that nothing less than your Majesty's displeasure backed with an armed force would be sufficient to restrain your subjects in that Province in their duty to your Majesty. The said Address was occasioned by a letter writ by Mr. Robert Beverly, an inhabitant of Virginia then in England to the Assembly of that Colony, in which he incloses copies of letters pretending that they were writ by Quarry to us, upon which the Assembly proceeded to make the said Address without hearing Col. Quarry, he being then employed in your Majesty's service at New York, and having no opportunity of justifying himself at the drawing up the said Address. We never did receive any letter from Col. Quarry, containing such words or expressions as are recited in the Address, and upon perusal of the Address we do not find that the words or expressions alledged against Quarry, if they had been used by him, can by any fair construction bear such a meaning or interpretation as the Assembly of Virginia put upon them. We further humbly represent, that what hath been done herein by Beverly tends to the fomenting of divisions and jealousies amongst your Majesties subjects in Virginia and may be prejudicial to your Majesties service by the malicious aspersions cast on the chief officer of your Majesty's Customs and a member of your Council there, and we are humbly of opinion that letters be writ to your Majesty's Governor of Virginia, directing him to lay this matter before the Assembly, that it may appear to them that the said Address was made upon a misrepresentation by

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Beverly, and that the reputation of Col. Quarry may be vindicated. *Autograph signatures.* 3 pp. [C.O. 5, 1341. No. 1; and 5, 1361. pp. 430-433.]

- Jan. 23. **46.** Mr. Thurston to W. Popple. *Encloses* following to be laid before the Board. *Signed*, J. Thurston. *Endorsed*, Recd. Read Jan. 25, 170 $\frac{5}{8}$. 1 p. *Enclosed*,
 46. i. List of necessities, pay and clothing for the soldiers at Newfoundland, 1706. 1 p. [C.O. 194, 3. Nos. 101, 101.i.; and 195, 4. pp. 161, 162.]

- Jan. 24. **47.** Council of Trade and Plantations to the Queen. *Whitehall.* *Summarize* report of Commissioners on the complaint of the Mohegans. Col. Dudley declaring his doubts whether the Government [of *Connecticut*] will comply with their sentence, we humbly offer that your Majesty by your Order in Council signify your approbation of the same, that all persons whom it may concern may render all due obedience thereunto. [C.O. 5, 912. pp. 111-113.]

- Jan. 24. **48.** Mr. Sec. Hedges to the Council of Trade and Plantations. *Cockpitt.* *Reply* to No. 42. I desire you will lett me know the particular heads you would have the soldiers examined upon, that I may send directions accordingly. *Signed*, C. Hedges. *Endorsed*, Recd. Read Jan. 25, 170 $\frac{5}{8}$. 1 p. [C.O. 194, 3. No. 103; and 195, 4. p. 169.]

- Jan. 24. **49.** Lt. Moody to Wm. Popple. *Encloses* following to to be laid before the Board. *Signed*, J. Moody. *Endorsed*, Recd. Read Jan. 25, 170 $\frac{5}{8}$. $\frac{1}{2}$ p. *Enclosed*,
 49. i. Certificate by officers and soldiers of Lt. Moody's Company, testifying to his bravery and good discipline, etc. Mr. Latham was disobedient and did not set a good example to the garrison of St. John's. Portsmouth, Jan. 3. 3 $\frac{1}{2}$ pp. [C.O. 194, 3. Nos. 102, 102.i.; and 195, 4. pp. 163-168.]

- Jan. 25. **50.** Council of Trade and Plantations to Mr. Sec. Hedges. *Whitehall.* *Reply* to No. 48. We desire that the soldiers be examined upon the following queries :—(1) How many were in garrison when Capt. Lloyd came from Newfoundland. (2) How many immediately before his return. (3) How many arrived with him. (4) How many of those men now at Portsmouth were officers during the seige, and returned by Capt. Lloyd as private soldiers. (5) Whether any of them, during his command, and how many, were forced out of the fishery. (6) What advantage accrued to him by it, and how much to them. Sir John Gibson may ask them such other questions as he may judge proper. [C.O. 195, 4. pp. 170, 171.]

- Jan. 25. **51.** Order of the House of Lords, that the Council of Trade and Plantations produce documents, concerning following

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petition, *enumerated*, House of Lords MSS. VI. pp. 371-373. *Endorsed*, Recd. Read Jan. 28, 1706. 3½ pp. *Enclosed*,

51. i. John Lesley, Thomas Maxwell and John Kirton to the House of Lords. Their grievances against Governor Sir B. Granville are increased. Pray to be heard before their Lordships. *Copy*. 2½ pp. *Set out*, House of Lords MSS. VI. pp. 363, 364.

51. ii. Particulars of the grievances mentioned in preceding. *Signed*, Jno. Kirton. 11½ pp. *Set out*, House of Lords MSS. VI. pp. 367-371. [*C.O.* 28, 9. *Nos.* 29, 29.i., ii.; and (without enclosure i) 29, 10. pp. 1-6.]

Jan. 26. **52.** Mr. Thurston to Mr. Popple. Major Lloyd demands about 70*l.* out of the growing off-reckonings of the Company at Newfoundland, to re-imburse him what he alledges to have layd out upon the men he took over with him from the Lord Paston's Regiment, when, for the cloaths and accountments he had along with 'em thence, the officers of that Regiment are found to ask no less than 274*l.* 10*s.* from the same fund. As the case thus stands, it is impossible to find out any man that will undertake the cloathing that is proposed to be now sent, for that by so great an anticipation, such new cloathing cannot begin to be payd for almost 2 years. *Signed*, J. Thurston. *Endorsed*, Recd. Read Jan. 28, 1706. *Holograph*. 2 pp. *Enclosed*,

52. i. Account of the cloathing of the Company at St. Johns. A full cloathing one year, and small necessities the next has been the method observed all along until the last year, when, instead of a full cloathing, they had only 1 surtout, 1 pair of shoes, 1 pair of stockings, 1 shirt and 1 neckcloth, occasioned chiefly by the Comptrollers of the Army allowing 92*l.* out of that year's off-reckonings for satisfying part of the demand of Capt. Lloyd, *etc.* 1 p. [*C.O.* 194, 3. *Nos.* 107, 107.i.; and 195, 4. pp. 180-183.]

Jan. 27. **53.** R. Oglethorp to Mr. Secretary Hedges. An account
Caroliner. of persons trading with pirates. Peeter Smith in St. Thomas, ye greatest mearchant there, and being a Deane [=Dane] sworne did trade with Capt. Kidd. Smith supplies the French at Martinicoe all this warr; they likewise doe at St. Thomas harbour all piratts, and some that are noated, Dudley Rayner, one of Kidd's men, Jeffrey Edwards, Edward Woodman, *etc.* Itt is not a plaice to be suffered, for any piratt for a smale matter of money may bee naterlised Deane, then they may trade amongst ye French and Spanyard all this warr, which they dayly carry news and stores. In these parts this is a pretection, being sworn Deanes. Capt. Tempest Rogers, yt. maid yt. grate voyage with Capt. Kidd a trayding yt. kept him in St. Thomas, and he was a sworne Deane, and since dyed amongst ye French a trayding with them and ye said Smith, as all that he left in his hands, which is considerable. There is one Jno. King att St. Christopher

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yt. as gott a grate estate by trayding with piratts, and stands indebted to Rogers on his books. Capt. Rogers his Doctor lives att St. Christophers, which can give a true account of ye hole viage. Capt. George Leonard, Governour of Anguila, trayded with Rogers and lay att anchor aboute 20 dayes, and he knowing ye goods he bought to be some of Capt. Kidd's. Capt. Kidd's boate was ashore att Anguila and Kidd lay att anchor thaire aboute fower houers. Leonard stands indebted to Rogers 300 ps. of eiaght. Capt. Charles Collihorne, that lives att Antigua, went to Crab Island and traded with Rogers for a considerable bales of Kidd's goods, which he has made a plentiful estate in Antigua, and owes Capt. Rogers, by his books, 2586 ps. of eiaght. Jno. Lucas, that lives in Antigua, went to St. Thomas, and did macke up account wth. Capt. Rogers, he being Attorney for ye owners in London, and was paid to a penny and did give a discharge in full in behalfe of ye owners, which is contrary to law, when he knew what he was, *etc.* Lucas being a Justice at that time, Capt. Rogers drew a bill on Capt. Collihorne, which was excepted of Mr. Lucas, *etc.* Here is severall more yt. I can give your Honour an account of, if you please to send for mee home, *etc.* Thaire is one Capt. Emanul. Mannassus Gillingam and one Capt. Derrydoe and others yt. have a St. Thomas his pass, and thay goe from thence to Curaçao and tacke in negroes and dry goods and trayde to ye French Islands and Spanyards, *etc.* *Signed,* Rich. Oglethorp. *Addressed. Postmark* ($\frac{7}{8}$). 2 $\frac{1}{2}$ pp. [C.O. 5, 382. No. 9.]

[Jan. 27.] **54.** Lt. Moody to the Council of Trade and Plantations. In answer to your letter of Jan. 25, I was in hopes that Mr. Lloyd and Mr. Latham had given you particulars, but give you my opinion. The Fort at St. Johns hath little of regularity, being built foursquare without any bastion, soe that the whole curtine is exposed, and wee cant see any part of the ditch from corner to corner, and alsoe the parapet is too low, soe yt. the men upon the ramparts are not covered. I was forced to fix planks and throw up earth to cover them, and also to make long wooden troughs for carrying bombshells and granadoes to secure the ditch during the attack. The platformes are all out of order and deficient, carriages of the guns were mostly rotten; the place for the magazine is too slight; the walls of the fort are only of loose earth palisadoed, and apt to fall doune into the ditch, which is neither broad nor deep enough, and dry. There are two riseings grounds within half a pistol shot where the enemy did come undiscovered, and place themselves without the reach of our guns and lie firing. They ought to be levelled, as also some rising grounds in the place we ordered to build the New Towne in to make the ground sloping, so as to be under the guns of the Fort. The scituation of the Fort is bad, there being hills on the W. and E., but there is not a spot in the Harbour but what are lyable to the same inconveniences, if not more. The Castle is small, but stronger than the Fort, and very useful against ships coming in, and is most exposed by a foolish platform a little

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above it, where the enemy may come without the reach of any gun, and they very much annoy the Castle. The North Battery is of noe use, the men being soe exposed to the enemy's fire, that they cannot stand by a gun. The Houses, barracks and arms are very much out of repair, the two first by the Gentleman's refusing to do it under whose care it was, and the last for want of armourers and materials. And alsoe there is a very great want of fire; ships going there should be oblidged to carry coals for ballast. I cannot tell what necessaries are wanting, *etc.* *Signed*, J. Moody. *Endorsed*, Recd. 27th, Read Jan. 28th, 170 $\frac{5}{6}$. 2 pp. [C.O. 194, 3. No. 104; and 195, 4. pp. 172-175.]

[Jan. 28.] **55.** Mr. Roope to the Council of Trade and Plantations. Describes his difficulties in fixing the boom at St. John's, and his hardships and losses when carried away prisoner to Placentia. *Prays* for consideration of his case. *Signed*, John Roope. *Endorsed*, Recd. Read Jan. 28, 170 $\frac{5}{6}$. *Holograph*. 1 p. [C.O. 194, 3. No. 106; and 195, 4. pp. 176-180.]

Jan. 28. **56.** Mr. Roope's Memorial to Committee of the House of Commons. Complains of the encroachments of the French on the Newfoundland Fishery and the debauching of the fishermen and inhabitants with rum brought in by the Americans. *Copy*. 3 pp. [C.O. 194, 3. No. 105.]

Jan. 28. **57.** Order of the Committee of the House of Commons appointed to consider of the trade to Newfoundland. The Council of Trade and Plantations to produce Capt. Moody's Journal, complaints against Major Lloyd and Capt. Moody, papers delivered by Mr. Campbell and Merchants of London, *etc. etc. supra*. *Signed*, Wm. Clayton. *Endorsed*, Recd. Read Jan. 31, 170 $\frac{5}{6}$. $\frac{1}{2}$ p. [C.O. 194, 3. No. 108; and 195, 4. pp. 183, 184.]

[Jan. 28.] **58.** Sir H. Ashhurst to the Council of Trade and Plantations. *Prays* for copies of complaints against Connecticut by Governor Lord Cornbury and Gov. Dudley, and of the Report on the Mohegans. *Signed*, Hen. Ashhurst. *Endorsed*, Recd. Read Jan. 28, 170 $\frac{5}{6}$. *Holograph*. 1 p. [C.O. 5, 1263. No. 58.]

Jan. 28. **59.** The Queen to Governor Lord Cornbury. Whereas St. James's. we are given to understand that great abuses have been committed in our Plantations in matters relating to prizes, to the end therefore that all such abuses in the management of the said prizes may be discovered, and the like for the future better prevented *etc.*, we do hereby strictly charge you to interpose with your authority and advice in all differences arising between the Agents appointed for the management of prizes and the Captains of our ships of war, and others concerned, who shall make application to you in our Province of New Yorke, as likewise in an especiall manner to be aiding and assisting unto James

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and Hercules Coutter, who are appointed Agents there, *etc.* As also to transmit unto our High Treasurer exact accounts concerning prizes from time to time, *etc.* *Countersigned*, C. Hedges.

A like letter to Governor Nott, *mutatis mutandis*, in favour of James Walker, Agent for Prizes in Virginia. [C.O. 324, 30. pp. 66, 67.]

Jan. 28. **60.** W. Popple, jr., to the Clerk of the Council. Desires
Whitehall. an account of the Council Days, March 2, 1704 $\frac{1}{2}$ —July 20.
[C.O. 29, 10. p. 7.]

Jan. 29. **61.** An account of the Council Days *as above.* *Endorsed*,
Reed. Read Jan. 29, 1705 $\frac{1}{2}$. 1 p. [C.O. 28, 9. No. 30 ;
and 29, 10. p. 8.]

Jan. 29. **62.** Lt. Governor Johnson to the Council of Trade and
Antigua. Plantations. Itt has beene a custome in these Islands ever since
a Pattent was granted for the office of a Provost Marshall for
the Pattentee by himself or Deputy to find a man alwayes to
attend the commandes of the Governours of the respective Islands,
and the Commander in Cheife in whichsoever of the Islands
he happens to be, and to carry packetts and letters to him when-
ever they arive, but such an height of insolence are some men
arived to, depending I presume on the originall Patentee's favor,
who generally is some great man at home, that the Deputy Provost
Marshall of this Island the other day, when was in the country,
absolutely refus'd to bring to me two packetts which came in
two express boates from Leeward, giving account of some
designes the enemy had of attacking these Islands, and of their
expecting 30 sayle of men of war to that end, arrogantly
declaring that whatever former customes and usages had been
he minded not, nor would he be at the trouble of carrying or
sending letters or packetts to any Governor whatever ; for which
unbecoming behaviour and failures of his duty, I thought fitt
to suspend him from his office, till H.M. pleasure be knowne.
This I thought myself obliged (my Lords) to acquaint you,
not doubting your approbation thereof, as also that the authority
of such an officer is variously disputed and exercised in these
parts, in many things pretending to the power of Shrieves in
England, which I pray your Lordships will take into considera-
tion, so as that by a declaration of their authority a period may
be putt to the many disputes which daily arrise concerning the
same, to the ease, safety and satisfaction of the inhabitants.
Signed, Jon. Johnson. *Endorsed*, Reed. 12th, Read April 15th,
1706. *Holograph*. 1 p. [C.O. 152, 6. No. 40 ; and 153, 9.
pp. 328, 329 ; and (extract) 152, 39. No. 108.]

Jan. 29. **63.** Mr. Secretary Hedges to the Council of Trade and
Cookpitt. Plantations. *Enquires* whether there is any objection to orders
being given to the Governors of Virginia and Maryland in
accordance with *following petition.* *Signed*, C. Hedges. *Endorsed*,
Reed. Read Feb. 1, 1705 $\frac{1}{2}$. 1 p. *Enclosed*,

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63. i. Merchants trading to Virginia and Maryland to the Queen. Pray that no embargo may be put upon such merchant ships as may be left behind the convoy due to sail from Virginia, June 15, many of that fleet being but lately gone, and some still to go *etc.* 31 signatures. [*C.O.* 5, 1315. *Nos.* 5, 7; and 5, 1361. *pp.* 433-435.]

Jan. 31. 64. Council of Trade and Plantations to the Committee
Whitehall. of the House of Lords. *Enclose* papers ordered Jan. 25, and explain why they delayed presenting their report on Barbados till July 20, 1705, and recapitulate procedure of last year in that matter, and Minutes of Council of Trade. [*C.O.* 29, 10. *pp.* 9-23.]

Jan. 31. 65. List of papers relating to Newfoundland presented by the Council of Trade and Plantations to the House of Commons. [*See* Jan. 28.] 6 *pp.* [*C.O.* 194, 3. *No.* 109.]

Jan. 31. 66. The Queen to Governor Nott. In behalf of Col. Quarry,
St. James's. *Quotes* Representation on Address from the Assembly of Virginia. of which, "We are graciously pleased to approve. And it is our will and pleasure that you lay this whole matter before our Assembly there, that it may appear to them that ye said Address was made upon a misrepresentation by Robert Beverly, whereby the reputation of Col. Quarry, our officer, may be vindicated. Wee cannot but on this occasion lett you know that as wee shall be always ready to receive ye just complaints of our subjects there, and give them redress therein, so on the contrary wee do expect that you do discourage as much as may be all such as shall be groundless, and tend only to ye fomenting divisions amongst our subjects, and such as shall be employed in our service there, *etc.* *Countersigned*, C. Hedges. [*C.O.* 324, 30. *pp.* 68-70.]

Jan. 31. 67. Mr. Sec. Hedges to Governor Nott. *Acknowledges*
Whitehall. *letter* of Sept. 22, with journals of transactions at Virginia. They are under the consideration of the Committee of Trade. You will have severall of H.M. letters for Members to be of the Council, as recommended by the Committee of Trade; when you are settled, you will best judge of the persons who are fitt for that honor, and I should be glad to have your thoughts of them from time to time, not doubting but your chief regard will be for H.M. interest. I thank you for remembering the particular persons I mentioned to you, *etc.* *Signed*, C. Hedges. [*C.O.* 324, 30. *pp.* 60, 61.]

Jan. 31. 68. Same to Sir Wm. Whetstone. Your letter of July 18
Whitehall. did not come to hand before 25th inst. I immediately laid it before the Queen, who was extreemly well satisfied with the account you give of the good inclinations of the Spaniards in America, and approves of the good treatment you have shewed

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them, and the encouragement you have given them, and the endeavours you use for improving their trade and correspondence with Jamaica. You are desired to continue those good offices, and if you find them inclined to shake off the French yoke, and declare for King Charles, it is a matter of that consequence that I believe they will not want for any assistance and support from hence, whenever it shall be known that they will receive it, and co-operate with such forces as H.M. shall send. I hope therefore you will from time to time lett me know how they are disposed to embrace the interest of K. Charles III, with your opinion what may be necessary to be done from hence to encourage and support them in such an attempt, and what may be the most proper season for it. *Signed, C. Hedges.* [C.O. 324, 30. pp. 61, 62.]

Feb. 1.
Boston,
New England.

69. Governor Dudley to the Council of Trade and Plantations. *Refers to previous letters and enclosures.* It is now a year since H.M. commands were given to the Governments of Connecticut and Rhode Island to give their assistance in the present warr, but from that day to this I have not had one man nor penny towards the service or charge, notwithstanding the whole summer I had 1,000 men in the service absolutely necessary to cover the frontiers of these Provinces, whereby they are perfectly secured, and have not since the warr opened lost a man or had any inroad upon them. I am humbly of opinion that if these commands be easily past over referring to their just assistance, and Owaneco be not taken care of by your Lordships' favour [*for*] him, they will presume to a very great degree, and H.M. commands [*will*] be greatly slighted to the hurt of these Governments and their just dependance [*and*] obedience, beside that I shall be personally insulted by them, which if there were nothing else in the matter I could well bear, knowing that therein I have done my duty to H.M. and justice to her good subjects of the several [*Pro*]vinces, who being equally H.M. subjects ought to be equally defended and mustered and taxed for that end. I continue to pray your Lordships' direction referring to the Governour's power of a refusall of a Speaker and the Establishment on the Castle made in 1700, and the other particulars of those letters. There is in these Province[s] and parts adjacent a whale fishery kept at the [*sea*]son of the year, very profitable to the people, and procures a very good return [*for*] England every year, and I have done what I can to encourage it, being a good [*and*] acceptable trade at home, and have directed the Judge of the Admiralty [*at*] all times to receive and decide tryalls between the fishermen, which must often [*hap*]pen, because the wounded whales often break lose and there are disputes to whom [*they*] belong. But it hath been always observed that besides the whales thus stricken, [*there*] are sometimes others that are wounded and slayn by the Thrashers and Sword-*[fish]* which follow them, whereby they become wrecks and as they are called [*Dri*]ft whales to which no person can claym any right, and do therefore justly become [*a pe*]rquisite

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to the Vice-Admirall as other wrecks are, as by the Commission of [*the*] Admiralty does plainly appear, and since I came here with a great deal of [*trouble*] I have gotten two such, which clear of charges made near 40*l.* [*value*], but since it has been observed, the Inhabitants of those parts about Cape [*? Cod*], which is called the County of Barnstable, have affronted and injured the Officers [*of the*] Admiralty taking care therein, and one of the Justices lately sent a Water-*[Bay]*liff to prison, and notwithstanding soon after the said Water-Bayliff was come [*to*] Boston to attend the Court of Admiralty to take judgement of a Drift whale, and had given summons to the Challengers to attend the Judge of the Admiralty at Boston, the Inferiour Court of Common Pleas for that County of Barnstable proceeded to give judgement for the whale to certain fishermen, and tho' the Water-Bayliff was not present at the tryall nor any for him, the Court awarded execution for a summe of money, and that writt followed him and cast him into prison, and all that I can yet say will not prevayl to make those Justices sensible of their error of invading the Admiralty's Jurisdiction, which method, if proceeded in, will perfectly defeat the proceedings of the Court of Admiralty in all cases and H.M. intention as well as her predecessors and Acts of Parliament establishing that Court in the Plantations will be avoyed, if the other Courts may take away the matters lying before them, of which none is plainer than that of whales and the great fish of the sea, [*the*] people here being very uneasy that that Court and the Judges and Officers of it are of H.M. establishment, besides that they would have it that all wrecks and drifts are belonging to the finder, which would end in all manner of ravage upon the was[t] contrary to Religion and Law. I most humbly pray your Lordships' direction herein for the support of H.M. Court of Admiralty, and if it be agreeable to Law and Commissions in use here, and in all the Plantations, there may be an inhibition and injunction to all other Courts that they may not presume to take the tryall of whales or any other matter belonging to that Court into their consideration or process at any time. Upon this head, I must also humbly ask your Lordships' direction, whether I may not my self dismiss such Justices of the Peace of the said Inferior Court without the consent of the Councill, agreeable to what is done referring to Justices of the Peace in England and elsewhere, because I am more than in doubt it will be there denyed, themselves being concerned to make as little of the Admiralty's jurisdiction as may be. And if I may so do with your Lordships' approbation, and have H.M. commands referring to the powers of the Admiralty as above, I believe the matter will end well, otherwise I must for the future do nothing more but let the people run w[ild] in that matter, and the Vice-Admirall will for the future have no advantage. I most perfectly submit it to your Lordships' direction, and pray that I may be commanded therein. I have been at a great deal of quiet from the French and Indians this summer, tho' my number of men and expence thereby has not been less than last year; I have burnt all their

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forts in these Provinces, kept them these two years from any manner of planting or fishing, that they are fled to Canada, and for want of their usual support are in a starving discontented condition among the French, as I am dayly informed, but yet are capable in small parties like Irish Raparees to make inroads upon mee, yet I have not quitted the least improvement in the frontiers, but the people are easy and the masting in the deepest woods has been so well guarded that there is no complaint, and I have at this time 4 small parties upon their snow shoes, of 50 men each, who lye out upon the snow 20 days together to prevent their hunting and discourage their approach. At the first eruption of the warr the French and Indians carryed away about [150] persons, most women and children, which heretofore have been purchased at about [5]ℓ. per head by the French, whereby the Indians had a better trade of taking prisoners than hunting for Beavers, but I have assured Mr. Vouderil, the Governor at Canada, that I would never purchase the best prisoner he had at the price [of one] shilling, and to make the matter even with him, I brought the last summer about the same number of prisoners from the Bay of Fundee belonging to Port Royall, and then sent him word I would exchange with him, the articles I sent him are inclosed and humbly submitted to your Lordshipps, like those agreed in the West Indies for the exchange of prisoners there, to which he returned me another set of articles also inclosed, wherein he proceeds so far as to offer a truce between the Goverments, to this I have made no answer, having no authority so to do, and shall only thereupon remark to your Lordshipps that I have no need of any such Truce, but can well enough defend myself, and shew men enough well appoynted to remove him and all the French from Canada and Port Royall, if H.M. would be graciously pleased to give us but 4 ships of warr and mortarrs for that purpose. I humbly submit the whole matter to H.M. pleasure, but would be glad to get the poor women and children home, for which their friends are very impatient, especially being informed that the Priests use all possible methods to debauch their Religion and many of them are already gone over and entered into their Nunnerys and others married amongst them, as I perceive by their letters from Quebeck. If there might be an establishment of a Scotch or English Colony at Pemaquid and Eastward, it would hold 1,000 familys and is the best part of these Provinces for the lumber and fishery, and would defeat the French and Indians' hopes of resettling in those parts in time of peace. These letters are humbly presented to your Lordshipps by Lt. Gov. Povey, who has also sustained the office of Major Generall of both Provinces and has faithfully served H.M. here, and I consider my self disadvantaged by his return, but it has not been possible for me to obtayn any manner of support for him, in his station, from the Assembly, and had I not given him the command of the Castle where there is 100ℓ. salary he must have lived wholly upon the expence of his own Estate, as he has done in a great measure notwithstanding. He is very [cap]able to give your Lordshipps account of the present

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state of H.M. affairs here, to whom I humbly referr, and pray your Lordships to represent my sincere indeavours to serve H.M. as I ought, and to assure your Lordships that nothing here can make me weary of doing my duty, while your Lordships will please to make my service acceptable to H.M., and while I may be honored with your Lordships' commands.

P.S.—I humbly acknowledge the [rec]eipt of the 20 cannon and [app]urtenances, which are all well landed at H.M. Castle in Boston. *Signed, J. Dudley. Endorsed, Recd. May 31, Read June 3, 1706. 4 pp. Edges rubbed. Enclosed,*

- 69. i. Copy of Articles for exchange of prisoners offered by Governor Dudley to M. Vaudrevil. [*See C.S.P., 1705.*] *Endorsed as preceding. 2½ pp.*
- 69. ii. Proposals for a Truce offered by M. Vaudrevil, Governor of Canada, Quebec, Oct. 20, 1705. [*See C.S.P., 1705.*] *Same endorsement. Copy. 4½ pp.*
- 69. iii. Copy of Proclamation appointing Jan. 24 a Day of General Thanksgiving for Marlborough's Victory in the Netherlands. Dec. 27, Boston, 1705. *Signed, J. Dudley. Printed. Endorsed, Recd. May 31, 1706. 1 p. [C.O. 5, 864. Nos. 58-61; and (without enclosures) 5, 912. pp. 133-148.]*

Feb. 1.
Whitehall.

70. Mr. Sec. Hedges to Governor Dudley. *Acknowledges* letters of July 25, Aug. 8 and Nov. 1st. What you mention of reducing Quebec by ships of war is sent to the Prince's Council for their consideration, and their report is expected in what may be done, and what may be the best season for making such an attempt, and how far it may be practicable with regard to the other extraordinary services H.M. has for her men of war. Concerning the fees of the Courts of Admiralty, I know no better rates for the officers of the Admiralty Courts in America to conform themselves to, than what are practised here, and that they may do so, H.M. has directed that the tables of fees should be transmitted to the severall Vice-Admiralties in the Plantations. As to a consideration to yourself, I have spoke to the Lord Treasurer, who is the only person to whom application should be made, and I find him well disposed in your favor. I have also moved in your behalf, and read to him your letter of Aug. 8, and hope you will receive satisfaction as to the matter therein contained, but for a particular answer must referr you to the Committee of Trade. The Address you mention has been presented to H.M. and if those Provinces do not comply in what they at present refuse, it may create a necessity of doing something farther to oblige them to furnish their Quota, and they would do well to considered that the Plantations are to be valued as they are more or less valuable to England, for they cannot expect but a remedy will at length be applied by Parliament in reasonable matters. I think it may do you some service with my Lord Treasurer, if you send a particular account of pirates' goods seized by you, and a Bill of the charges you have been at. *Signed, C. Hedges. [C.O. 324, 30. pp. 62-64.]*

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Feb. 1.
Whitehall.

71. Same to Governor Lord Cornbury. I received your letters of Feb. 28, 1704, and July 15, on Dec. 3 last, and am extremely obliged to you for the full account you give me of your Government. That part which relates to Navall Stores is sent to the Commissioners of the Navy, and their opinion is expected in what may be proper to be done for encouraging that manufacture, your Lordship's observations and reasonings on that subject being very well approved: Your Lordship rightly judges of the interest of England in encouraging the planting flax and the linnen manufacture and discountenancing that of the woollen, and what you observe concerning the encroachments and usurpations of the Assemblies deserves very good attention. All that matter is before the Committee of Trade, and will be considered by H.M. in Councill, and you will hear of the result, and have further Instructions on that subject. The Plantations are to be valued as they are more or less valuable to England, and they must expect, if nothing else will do, that a remedy will come by Parliament in reasonable matters. Feb. 2. Since writing this, I have received yours of Nov. 28 *etc.* I shall observe your commands, but have not time to receive H.M. pleasure in any of the particulars before the maile is dispatch't. [*C.O.* 324, 30. *pp.* 64, 65.]

Feb. 1.
Whitehall.

72. Council of Trade and Plantations to Mr. Secretary Hedges. *Reply* to Jan. 29. The merchants concerned have acquainted us that their ships coming home so late cou'd not be time enough discharged so as to be sent to Virginia and Maryland to come away with the convoy, June 15, and that there will be 40 ships unloaden in the rivers of Virginia and Maryland after that time. We are humbly of opinion that, if H.M. shal not be pleased to allow a second convoy to bring away these later ships in Sept., they may be permitted to sail thence as they can gett ready after the departure of the convoy, without being embargo'ed there; since if they be obliged to stay for a convoy to be sent the next year, the ships will not only be worm-eaten, but the seamen suffer very much by such detention, whereby their voyage will be overthrown. We take this opportunity to represent the expediency of the convoys for Virginia and Maryland being appointed to go out at such time the next year as may as much as possible suit the occasions of all the traders to those parts, so that the shipping may return home from thence with convoy, and not otherwise. *Autograph signatures.* 2 *pp.* [*C.O.* 5, 1341. No. 2; and 5, 1361. *pp.* 436, 437.]

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73. Reply of the Governor and Company of Rhode Island and Providence Plantations to the charges exhibited March 26, 1705. *Articles* 1 and 2 contain matter highly criminal; they doe not only detest such practices, but are not capable of being guilty of ye same, but to the utmost have endeavoured to suppress them, and uphold the Acts of Trade and H.M. Laws relating to the Government of the Colony. (3) If at any time deserters or malefactors fled hither, upon notice thereof given, due methods

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have been taken, as the Law directs. As to the other part, this H.M. Collony is free for any of H.M. subjects to come and inhabit there, nor is it in the respondents' power to hinder or prevent them therefrom. Where one person or family hath removed out of other Colonies into this, there hath five times the number gone out of this (which were inhabitants in the same), and settled in other Provinces, which wee deem to be the privilege of every English subject, and we doe deny that any considerable number of young men hath fled out of other Provinces into this Collony or have been anyways harboured or sheltered in the same, or that no rates or taxes is raised in this Colony for the support of H.M. interest and government. They have been at more than 6,000*l.* charge within this 7 years in fortifying and other charge occasioned in maintaining and defending H.M. interest against the common enemy and support of the Government. (4) They are advised by Counsel that they are not obliged by Law to furnish the other Provinces or Colonies with any Quota, nor doe they apprehend there is any necessity. Notwithstanding which, in obedience to H.M. commands, they have assisted and furnished the Massachusetts with a Quota of men (to the considerable charge of the Colony) who did H.M. good service, as likewise keeping out and maintaining Scouts upon the borders or frontiers of said Province, whose good service hath been thankfully acknowledged by the inhabitants of that Province. As to the Quota for fortifying New York, they never refused it, but by their Address to H.M., June 30, 1703, pray H.M. remittance thereof, by reason this Collony is a frontier to the sea, and none of H.M. Provinces in America more exposed to the danger and assaults of the common enemy, to which we have not as yet received H.M. commands. (5) This charge is frivolous and untrue. (6) Respondents' Charter expressly impowers them to try all crimes and make all manner of wholesome laws; these proceedings are just and regular. (7) They doe allow the Laws of England to be pleaded in all cases without partiality (as well for strangers as for serving their own turns) where their own Laws do not extend to; the various circumstances of time and place and people doe often make it necessary to enact and establish Laws different, though not repugnant, to the Laws of England. Their Charter expressly empowers them so to do. (8) Deny that they have refused to allow of Appeals to H.M. in Council, when duly applied for, and the matter and value of the matter in question require the same, and have (for want of Instructions in that case) granted an Appeal for the value of 20*l.*, which they conceive to be frivolous and vexatious. (9) They are advised by Counsel that the Militia, or power of commanding thereof, is fully granted to them by their Charter, and that they have been in possession of the same above 40 years. As to the Vice-Admiralty, they have fully complied with H.M. commands, saving to themselves their right granted by Charter for granting Commissions to private men of war etc. (10) Deny that they ever used any indecent words towards H.M., nor do the words mentioned import any such indecency. (11) For the reasons

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given above (9), they could not submit to Col. Dudley's exercising those powers within this Collony. (12) Respondents deny this, and say that the Governor, Depty. Governor and others in places of publick trusts are persons of estates, known abilitys and loyalty, and well affected to H.M. Government, and are qualified according to law and the constitution of the Government. (13) This charge is uncertain and general, it is false and untrue, and cannot be maintained or justified. Lawrence and Blew according to their Instructions brought the prize into this Government, and put it into the Governor's possession for the security of the Lord High Admiral's dues, as the Law provides, notwithstanding they had their liberty to goe to their Commission Port if they had seen cause, without any debauchery by the Government. All due methods and care was taken to prevent embezzlement, and the securing the Lord High Admiral's dues to the satisfaction of the Collector and Receiver, and content of the owners and sharers. *Signed*, West. Clarke, Secrty. *Endorsed*, Reed. Read Feb. 1, 170⁶. 3¹/₄ pp. [C.O. 5, 1263. No. 59; and 5, 1291. pp. 309-319.]

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74. Mr. Jackson to the House of Commons. The Fort or Garrison at St. Johns is of timber and very ill situated etc. (see No. 54). On the other side of the Harbour there is built a pretty little Castle all of stone and substantiall timber that by nature and art is very strong, whose full complement is 30 men. Had the garrison been equivalent in strength and goodness, it had been an impregnable place. As it is, it is more a scare-crow or Pageant than a fortification. The Government has been, ever since I knew the land, arbitrary and despotick (this last year only excepted), the commanders oppressive, tyrannical, traders, and great abusers of trade. *Describes the fishery, as supra passim.* In almost every harbor there is set up a King, as they call him, wch. is one that hath been an old frequenter of an Harbor, who by extortion is grown rich, and by unconscionable meanes has involved the inhabitants into his debt. What these poor wretches cannot pay off the next year, these Kings extort double. Mr. Roop has been 25 months in fixing the Boom, having all imaginable help, and now so meanly and unskilfully performed that I have heard some masters of ships say a New England sloop will force it. He is partial and mercenary. He was given 200*l.* to aggravate matters here against others. The officers are immoral: he that will not be made cuckold by them is certainly made a slave etc., and because I have endeavoured to stop this torrent of vice, I have all along been abused by them. Mr. Latham as Chief Mason had a large sum sent him yearly to pay labourers, most of which he employed in buying liquors and in trade, and many of the soldiers employed about the boom are unpaid to this day. He has not laid a penny out upon the garrison (*fort*), altho it run to daily ruin, and being often solicited by Capt. Moody, in this, as in everything else, he would not obey him; he refused to pay me much that is owed, and would not make my lodgings in the fort fit to live in. He

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frightened the inhabitants from paying me their yearly dues of fish. *Prays* for redress therein. As to the trade of New England there, I never could perceive but it was beneficial, for as their ships arrived sooner than ours, so they supply that country with provisions at more reasonable rates than we do, wch. saved many families many times from starving *etc.* Besides they are a people indebted to the Crown of England above 100,000*l.* sterl., and to debar them of the trade of that country will incapacitate them for ever paying that debt, for they have often told me that they pay yearly more money to England out of the product and barter of that country than they do out of the whole product of their own Colony. *Signed*, John Jackson. *Endorsed*, Recd. Feb. 25, 170*6*½. 8½ *pp.* [*C.O.* 194, 3. *No.* 120.]

Feb. 2.
Whitehall.

75. Council of Trade and Plantations to the Board of Ordnance. Governor Parks having discoursed with us concerning a proportion of stores of war for the Leeward Islands, we desire you to let us know what stores of war have been sent to those Islands, if any, since those sent thither by the Office of Ordnance, March 27, 170*3*¼. [*C.O.* 153, 9. *p.* 292.]

Feb. 4.
Boston.

76. Members of the Church of England to the Council of Trade and Plantations. Lt. Governor Povey is now bound home. He has with all skill and application attended H.M. service to the great satisfaction of the Governour and all good men here. The support for 4 years past given by the Generall Assembly, as Lt. Gov., has amounted to no more than 150*l.* which has been nothing to the expence he has been at to maintain the honour of his post. He has obtained leave to return to the great sorrow and trouble of H.M. good subjects here. The troubles of this Province by the war has occasioned utmost difficulty and fatigue both to the Governor and himself, and we account it our duty to represent the unkindness and neglect of the Province towards them both, but our influence is too small to amend it here. If it were possible that he might be returned to us with a good establishment, both for the Governour and himself, to put them beyond the power of a difficult and ungratefull people, it would establish H.M. Government and prosperity of this Province. *Signed*, Benj. Mountfort, Hen. Francklyn, Petr. Hawksworth, Giles Dyer, John Eastwicke, John Devir, Wm. Tayler, Cyprian Southack, Tho. Child, Chris. Bridge, M. Roberts, J. Nelson, Elyde [*sic*] East Apthorp, J. Dulton, Ri. Harrison, J. Redknap, Saml. Baker. *Endorsed*, Recd. Read June 4, 1706. 2 *pp.* [*C.O.* 5, 864. *No.* 63; and 5, 912. *pp.* 151-153.]

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77. Order of Committee of House of Lords. The Council of Trade to produce documents concerning the petition of Mr. Kirton *etc.* (*No.* 51). *Set out*, House of Lords MSS. VI. *p.* 365. *Endorsed*, Recd. Read Feb. 7, 170*6*½. 2 *pp.* [*C.O.* 28, 9. *No.* 31; and 29, 10. *pp.* 24-26.]

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Feb. 4.
Whitehall.

78. Council of Trade and Plantations to Governor Nott. We are glad to understand by your letter of Sept. 22 that you are safely arrived in your Government, wherein we wish you all satisfaction and happiness. We have considered the particulars of your said letter, which relating chiefly to the Revenue, and your having yourself said the same things before the Lord Treasurer from whom you are to expect directions, we have nothing to say thereupon, but that you will do well at all times, however, to continue to give us a particular account of all things relating to your Government, though it do not immediately come under our cognizance. The directions given you relating to the sinking of letters are the same as was sent to the Governors of all H.M. other Plantations, and was done in order to prevent the enemies getting intelligence of the state of the Plantations by letters taken on board of ships coming from thence. We understand the Assembly are of another opinion, but we continue nevertheless to enjoin you to direct that all your letters and such as in any manner relate to H.M. service be thrown overboard in such case of imminent danger, and that you nevertheless recommend to the people the causing their letters to be thrown overboard as aforesaid, as being for the benefit and safety of the Colony and the trade thereof. And whereas you in Council have appointed Col. Blakiston Agent for the Country, when he shall apply to us in that capacity, we shall give him all the necessary countenance, but we are to give you the same caution as we have to other Governors, that the Agent may not be permitted to receive any papers immediately from the Assembly, but that all public matters be transmitted by you directly to any of H.M. Ministers of State or to our Board, as they may properly belong, and that the Agent be empowered by your direction only to solicit their dispatch accordingly. *P.S.*—Our Secretary in sending you the warrants for the new Seal, omitted to acquaint you that the old one, after it was broken, was to be returned to us, to be laid before H.M. in Council. [C.O. 5, 1361. pp. 437-439.]

Feb. 4.
Cookpitt.

79. Mr. Sec. Hedges to the Council of Trade and Plantations. *Encloses following. Signed, C. Hedges. Endorsed, Recd. Read Feb. 8, 1706. 1 p. Enclosed,*

79. i. Answer of Sergt. James Bromfield and other soldiers at Portsmouth to queries No. 50. Jan. 30, 1706.
(1) 66. (2) 56. (3) 80 or 81 with two drums and no officer. (4) 3. (5) 18. (6) 12*l.* to Capt. Lloyd and 6*l.* to the men from which was deducted the price of ammunition shirts 9*s.*, shoes 8*s.*, stockings 4*s.*, waistcoats 15*s.*, butter 9*d.* per lb, cheese 8*d.* etc. *Signed, Ed. Harman, Mayor etc.*

79. ii. Copy of Queries, No. 50. 1 p.

79. iii. List of 27 men in Lord Paston's Regiment who testified at Portsmouth as mentioned above. 1 p. [C.O. 194, 3. Nos. 110, 110.i.-iii.; and (duplicate) 110.v., vi.; and 195, 4. pp. 185-192.]

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Whitehall.

80. Council of Trade and Plantations to Governor Lord Cornbury. *Acknowledge letter of Feb. 19, 1705.* We observe what your Lordship says of Mr. Morris's behaviour, and have been apply'd to by some of the Proprietors, his friends, men of credit and estate here, who have assured us that he will comport himself for the future with all due respect and regard to your Lordship and H.M. service ; so that in order to reconcile the minds of all under your Lordship's Government, we do think fit at present that upon his submission your Lordship do re-admit him into the Council of New Jersey. What has been alledg'd in relation to the pretended forms of the surrender of that Government is not true. The surrender was absolute and without terms. We did indeed consent, at the Proprietors' desire, to add some clauses to your Lordship's Instructions ; but that was no condition of the surrender : and therefore we think your Lordship has done well in maintaining the contrary. H.M. has appointed Mr. Townley, Mr. Cox and Mr. Mompesson of the Council. As to your desire that we should recommend Mr. Mompesson to H.M. for the place of Chief Justice of New Jersey, we must refer your Lordship to what we writ you March 26, 1705, in relation to New York upon the same subject. Mr. Dockwra, in the name of the Proprietors of the Eastern Division of New Jersey, having recommended to us Mr. Peter Sonmans, their Agent and General Attorney, who is lately gone over to New Jersey, as a person fitly qualified to fill up any vacancy that may happen in the Council there, and being inclinable to gratifie the said Proprietors herein, if your Lordship have no objection hereunto, we desire to hear from your Lordship what you have to offer thereupon. In answer to what your Lordship writes about fines, forfeitures and escheats, and to the appointing of a Ranger of the Woods *refer* to Mr. Attorney General's report [*see* Oct. 19, 1705] which will be a guide to your Lordship upon other occasions. We have considered the Acts which past in Nov. 1704, and have not any material objections thereunto, but as there are some things which we wish might be amended, we shall defer laying the said Acts before H.M. till your Lordship has had an opportunity of acquainting the Assembly with our observations thereupon. The Act *for the settling the Militia*, in the last proviso but one, enacts that the sums of money thereby to be levy'd are to be paid into the hands of the Receiver General, or Secretary, or such other person as the Governor under his hand shall appoint, and the money to be apply'd also to such publick uses as the Governor shall direct ; whereas we think that publick moneys ought only to be paid into the hands of the Receiver General, and the uses to which it ought to be apply'd for the support of the Government should be express'd in the Act, and not left at large as it is in this : which we desire your Lordship therefore to be mindful of for the future. Tho' the design of the Act *for uniting and quieting the minds of all H.M. subjects in New Jersey* be very good, yet there are some things in the Act which render it unfit for H.M. royal confirmation, viz. that it pardons (amongst other

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crimes) all murders, high-treason and piracy committed before Aug. 13, 1702, whereas H.M. has reserv'd to herself by her Instructions to you the pardoning of those crimes, and therefore we desire your Lordship to endeavour to get this amended in another Act to be pass'd for the like purpose. We have no other objection to the Act *for altering the present Constitution, and regulating the election of Representatives* etc. but that it does not regulate the quantity of acres necessary to qualify persons to elect or be elected Representatives in the General Assembly. Your Lordship will have seen by H.M. Additional Instruction sent you [April 20, 1705] what we intended upon that matter, *quoted*. But if your Lordship find the regulation too high, you may endeavour to get a new Act past for proportioning that matter otherwise. In the mean time this Act will remain in force without being confirm'd by H.M., and your Lordship will make a suitable use of your Instructions in that behalf. A complaint having been made to us that the elections for the last Assembly were made in such haste that there was not due and timely notice, and some towns [*had*] no notice at all of the day appointed for that purpose, we desire your Lordship therefore to be mindful for the future of giving such notice (14 days at least) that all who have a right may have time to repair to the place of election, as they shall see fit. There has also been a complaint that 3 Members were kept out of the said Assembly upon some objections made against them by Thomas Revell and Daniel Leeds, and that after the said objections were removed, your Lordship still refused to admit them. We must therefore advise your Lordship to be careful in preserving such privileges of the Assembly as are belonging to them. The Proprietors of the Western Division complain that your Lordship has caused their late Secretary to deliver all publick books, records, and papers to Mr. Bass, Secretary of the Province, and that their records of deeds and conveyances are carry'd out of the Province, which they alledge may be of very great prejudice to them. We are of opinion that all books and papers, deeds and evidences relating to the proprietorship of the soil be not taken out of the hands of the Proprietors' Agents, and that if it be done, they be restored, and that no publick papers whatsoever be carry'd out of the Province. It has further been complained of to us that your Lordship has put into the Commission of the Peace several mean and contemptible persons, particularly one Salter, whom your Lordship knew was under prosecution for felony, and granted Commissions in the Militia to other persons who have no estates in the Province. What truth there is in this complaint your Lordship can best judge; but we think it however necessary to advise your Lordship to be careful what persons you put into the Commission of the Peace or Militia, that they be persons of good estates, and well qualify'd for those employments. We have not received any Minutes of the Council or Assembly since your Lordship's being in that Government; we therefore desire that we may have fair transcripts of the said Minutes both for the time past and for the future, as also copies of all other publick

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Proceedings and Acts of Government. The want of prisons in New Jersey is a matter proper to be laid before the General Assembly. Your Lordship will therefore represent to them the necessity of having such prisons built, that they may grant a sufficient fund, which may be appropriated to that service. A new Seal for New Jersey was sent your Lordship by Coll. Nott. By the words, "due provision for the respective Members of our Council and Assembly," in clause 22 of your Instructions, it cannot be understood that a salary should be settled upon them, but only that due provision be made of paper, ink, fire and other necessaries for carrying on the service, and suitable salaries be provided for the clerk and other officers that attend the said Council and Assembly. We are glad to perceive that the tax for one year has been so easily raised; and we hope that by your Lordship's prudent conduct everything else will be made easy also. [C.O. 5, 994A. pp. 259-267.]

Feb. 4. **81.** Circular letter to the Governors of Plantations to
Whitehall. the Council of Trade and Plantations. You are to transmit accounts of Mr. Bridger's proceedings as Surveyor General to give him aid, and to get an Act passed for encouraging Naval Stores, etc. Set out, *New Jersey Archives*, 1st Ser. iii. p. 122. [C.O. 324, 9. pp. 117, 118.]

Feb. 4. **82.** Sir C. Hedges to the Council of Trade and Plantations.
Cockpitt. *Encloses* following for their opinion. *Signed*, C. Hedges. *Endorsed*, Recd. Read April 24, 1705. 1 p. *Enclosed*,
82. i. Extract of letter from Governor Lord Cornbury to Mr. Secretary Hedges, New York, July 15, 1705. *Repetition* of views of the trade of New York and dispute with the Assembly as to amendments of Money Bills etc. 5 p. [C.O. 5, 1049. Nos. 12, 12.i.; and (without enclosure) 5, 1120. p. 451.]

Feb. 4. **83.** W. Lowndes to Mr. Popple. *Encloses following* for
Treasury the opinion of the Council of Trade and Plantations. *Signed*,
Chambers. Wm. Lowndes. *Endorsed*, Recd. Read Feb. 12, 1705. 1 p. *Enclosed*,
83. i. Mr. Heathcote to the Lord High Treasurer. Memorial upon the production of Naval Stores in New York. New York, Nov. 9, 1715. *Signed*, Caleb Heathcote. 10 pp. Set out, *New York Docs.* iv. pp. 1158-1162. [C.O. 5, 1049. Nos. 5, 6; and 5, 1120. pp. 397-411.]

Feb. 4. **84.** Council of Trade and Plantations to Governor Seymour.
Whitehall. *Acknowledge letters* of Sept. 29, 1704, and July 3 and Aug. 28, 1705. We are glad that by your care and conduct you have suppress'd the combination between the Indians and some of the indigent people in your Government, but we do not well understand what you write, Aug. 28, that you had consented to sell two of the criminals to some of the Islands for the country's good. We desire therefore that you would explain who those

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criminals are, and by what authority they are sold. What you write about the want of arms and ammunition has been laid before H.M., but Col. Blakiston having provided 200 muskets, 100 carabines, 100 cutlasses, 100 halberts, 200 cartouch-boxes, 110 half-barrels of powder, 5 thousand weight of lead, and 22 drums out of the money remitted him arising by the 3*d*. per hhd. appropriated for that use, we hope that service is sufficiently taken care of for the present. We have also laid before H.M. the chief particulars in your letters, upon which H.M. has been pleas'd to direct us to write to you as follows. As to an Armourer, we have given in charge to Col. Blackiston to provide and send such an officer, who is also to be storekeeper, and H.M. leaving it to you to appoint him a fitting salary not exceeding 100*l*. per annum, as is propos'd by you, to be paid out of the Revenue to be rais'd in your Government. H.M. likewise approves of your proposal for reducing the Provincial Judges to four itinerant Judges, who are to go their circuits at such times and in such manner as you with the advice of the Council shall find most proper, and you are accordingly to give the necessary direction herein. H.M. has likewise been pleased to approve of your proposal in relation to Mr. Bladen, and you are accordingly to settle a salary upon him as Attorney-General, of 100*l*. per annum, out of the Revenue to be raised within your Government as aforesaid. As to your scheme for settling of Ports, H.M. has been pleas'd to respite her determination thereupon, till you shall have given an account how far the Assembly have comply'd with H.M. late Instructions to you upon that subject, which were sent you May 8, 1705. However, in the meantime we are to inform you that H.M. is so sensible of the advantage that will accrue to trade by the settling of Ports and other particulars relating thereunto, that in case the Assembly shall not have a due regard to H.M. directions therein, H.M. will then think fit to appoint such Ports by her own authority, pursuant to Acts of Parliament in that behalf. You will do well therefore to lay the same before the Assembly for their consideration. We have laid before H.M. the two Acts relating to Popery, whereupon H.M. has been pleas'd to direct us (as you will see by the inclosed order) that the second Act for suspending part of the first be re-enacted without any limitation of time, whereby it will be in H.M. power to repeal the same, at any time when she shall think fit. We have likewise conferr'd with the Lord Baltimore upon the behaviour of the Papists in your Government, and his Lordship has thereupon communicated to us his letter to Mr. Hunter and those of his Society, requiring them to demean themselves for the future without offence, and with all due respect to you and the Government, a copy whereof we send you. As to the Quakers, as they enjoy the Protection of the Government under which they live, we conceive it is but just and necessary that they bear a proportionable share in the defence thereof; and therefore it is H.M. pleasure that they be obliged to contribute to the safety of the Province of Maryland, in reference to the Militia, in the same manner as in England and other Plantations ;

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but in all distresses where they refuse to pay you are to take care that such distresses be within the bounds of moderation, and that no more be taken than what is necessary to answer the summ demanded of them. We have under consideration the body of Laws you have sent us, together with your observations thereupon, in order to our laying the same before H.M. and shall not fail of giving you due notice of what shall be determined thereupon. And whereas complaint is made unto us by Sir T. Laurence, of hardships sustain'd by him in Maryland, as Secretary of that Province, by an Act lately past there for ordinary licences and applying them to other uses, we cannot but remind you of the fitness of supporting H.M. Patent Officers, and that nothing ought to pass in their prejudice, without H.M. especial commands. We have not thought fit to propose to H.M. the repealing of the said Act immediately, for that the profit arising by such licences would entirely cease; but we must recommend to you the settling that matter, so that justice may be done to the said Patentee, and that he do not suffer by the loss of any of his fees and emoluments to which he may have a just pretention by virtue of his patent.

P.S.—Our Secretary in sending you the warrants for using the new Seal, omitted to acquaint you that the old one, after it was broken, was to be returned to us, *etc.* [*C.O.* 5, 726. *pp.* 367–373.]

Feb. 4.
Whitehall.

85. Council of Trade and Plantations to Governor Dudley. Since ours of April 12, we have received yours of March 10 and 22, April 5 and July 25. We have laid before H.M. what you write us about Connecticut and Rhode Island's not complying with H.M. commands in reference to the quota of assistance for the Massachusetts Bay, as also about the claim and pretence of Rhode Island to a Vice Admiralty power, and their granting a Commission to the *Charles* gally, a privateer. We have also laid before H.R.H. the Lord High Admiral Mr. Colman's behaviour in that affair for his determination therein. But as Mr. Colman and the rest of the owners of the *Charles* gally have writ to us two letters containing some complaints in relation to the condemnation of the said galley in which you are concerned, we send you copies of the said letters for your answer thereunto. We have laid before the Lord Treasurer the account of the pirates' effects, with our opinion [*see* Dec. 19, 1705]. We have also laid before his Lordship what you write about the Post Office. As soon as any determination shall be taken upon both or either of these particulars we shal not fail of giving you notice. We observe what you write in reference to Mr. Usher's accounts with Massachusetts Bay, and are glad the Councill and Assembly have proceeded so far in agreeing the same, but we do not see how H.M. can interpose in commanding them to pay the ballance of his account, the revenue of that Province not being by any law under H.M. direction. We think you ought rather to interpose with the Assembly in laying before them the justness of Mr. Usher's demands, and the hardship in keeping of him

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so long from what is his due. We do not see how to remedy what you write about the smallness of the Judges' salaries, and the difficulties you labour under upon that account, whilst H.M. commands are so little regarded as they have been in other matters in the Massachusetts Bay. And as to your desire of a Chief Justice to be sent from hence, we cannot offer it to H.M., unless you had proposed to us some method for paying his salary; for it is not reasonable H.M. should be at that expence where there is no revenue sett apart for such services. Your desire of two able gunners from hence is of the same nature, as also what relates to the establishment of the Castle in 1701, mentioned by you. And altho' H.M. has already given to that Province to the value of above 1,000*l.* in great guns and stores of war, yet have they not comply'd with H.M. just demands in settling a salary on you her Governor. We are glad Capt. Rednap gives you satisfaction and we desire that you would assist him as much as possible in the dispatch of what he has to do in your Governments in order to his going to New York, where H.M. service requires his attendance. We have laid before H.M. what you write about the state of the French at Quebec as also about the French sloop brought from Port Royal *etc.* [see Dec. 19, 1705]. We approve of your conduct in relation to the Speaker of the Assembly. You did well to assert H.M. prerogative in that particular, which is reserved to H.M. as well by the Charter as by the constitution and practice of England; and therefore you may upon the like occasions acquaint the Council that it will not be thought fit that H.M. right of having a negative upon the choice of a Speaker and of Counsellors be given up. H.M. having repealed an Act of Connecticut, entituled "Hereticks," we inclose H.M. Order in Council of Oct. 11, 1705, for that purpose, which you will take care may be safely conveyed to the Governor of that Country. And whereas several of the Quakers here have complained to us of a paper said to be printed at Boston by authority, entituled, "The Boston News Letter," dated Oct. 29, 1705, containing reflections upon their proceedings here in England, we think it fit to give you this notice that none of that persuasion have made any application to this Board in reference to New England otherwise than against the forementioned law entituled "Hereticks," and that the spreading of false news cannot but tend to the creating of heats and animosities amongst H.M. subjects. We observe what you write about the Proceedings of the Assembly in relation to H.M. Proclamation for settling the rate of foreign coins in the Plantations, and have represented the same to H.M. You will do well to continue your endeavours to convince them of the necessity of complying with H.M. pleasure therein. H.M. care in that matter is a great instance of her goodness and her desire of the welfare of her subjects, which will evidently appear unto them if they reflect that most contracts and bargains have their original from a demand of money, and must terminate in payment; that silver is the standard in proportion to its weight and fineness; that if adulterated coins be permitted to pass as the standard (above

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their intrinsic value) or be alterable at pleasure, it must have the same effect as a general allowance of false weights and measures, the consequence of which is deceit and confusion. You are further to represent to the Assembly that there lies a particular obligation on them to enforce a due obedience to H.M. commands herein, for that the regulation of the rates at which foreign coins are to pass was calculated from a law of their own. We approve of your requiring the Receivers and Collectors of the publick revenue to observe the directions of the said Proclamation in their receipts and payments. You may likewise acquaint the Assembly that it is absolutely necessary to settle a true and uniform standard, in order to prevent clipping and coining, and other deceits in the trade, by crafty and designing men, by which means fair and honest dealing will be settled among yourselves, and with your neighbours, and trade established upon a solid foundation agreeable to equity and justice. The particular interests of some designing men ought not to overballance these considerations. Since the writing of this we have received your letters *etc.* of Nov. 1, 2, 3, and 15, 1705, wch. we shall consider in due time. We observe that you have caused the old seals of the Massachusetts-Bay and New Hampshire to be broke, but our Secretary in sending you the warrants for using the new seals having omitted to acquaint you that the old ones were to be returned so broken, to be laid before H.M. in Council, we think fit to give you this notice that you may do the same by the next opportunity. And we have according to your desire represented the report upon the Mohegans *etc.* [see Jan. 24]. *Refer* to Representation and Order in Council appointing R. Waldron [see Dec. 20, 1705]. But not knowing what other vacancies there are in the Council of New Hampshire, we have not at present thought fit to offer that Col. Hilton and Col. Smith be admitted members; you did intimate indeed, Aug. 5, 1703, that Nathaniel Fryer and John Ware were superannuated, but you did not give us any account whether they had forborn attending in Council, or whether they had desired to be dismissed. We desire you therefore to give us a particular answer hereunto, and that for the future we may be informed of all the vacancies that may happen in that Council whether by death or otherwise. Sir H. Ashurst having complained to us that you had refused to admit his couzin, Peter Serjeant, into the Council of the Massachusetts Bay, tho' he was several years chosen for that place, we desire you to let us know your reasons. What you have writ relating to the disputes between the Rhode Islanders and others, concerning the Narraganset Country, as also the irregularities of Connecticut and Rhode Island, has been represented to H.M. [C.O. 5, 912. pp. 114-124.]

Feb. 4.
Whitehall.

86. Council of Trade and Plantations to Governor Lord Cornbury. *Acknowledge* letter of July 8. We have not receiv'd your letter of Nov. 6, which you reffer us to, and therefore we desire your Lordship upon all occasions to send us duplicates of all your letters by different conveyances. We have considered

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what your Lordship has acquainted us with, upon the Bill for raising 1,700*l.*, whereupon we observe that the Assembly was very much to blame in disputing the Council's amendments in that Bill, for that the Council has undoubtedly as much to do in the forming of Bills for the granting and raising of money as the Assembly, and consequently have a right to alter or mend any such Money Bills as well as ye Assembly. In other H.M. Plantations the Assembly do not pretend to the sole right of framing Money Bills, but admit of the Council's amendments to such Bills, as there may be occasion. No Assembly in the Plantations ought to pretend to all the privileges of the House of Commons in England, which will be no more allowed them then it would be to the Councils, if they should pretend to all the privileges of ye House of Lords here. Wee are also of opinion that the Assembly have committed another error in the preamble of that Bill, in not granting the money thereby intended to be raised to H.M., which is more than the Assembly of the Massachusetts Bay under their Charter have presumed to do; and which need not hinder the Assembly of New York from appropriating the money so granted to such particular uses as are found requisit. We do further observe that the penalty in the last clause of the Bill is of an extraordinary nature, such as no Assembly any where else ever attempted before. It is highly presumptuous in the Assembly to pretend to propose or pass any clause, whereby H.M. is restrained in her royal prerogative of pardoning or reprieving her subjects, whenever she sees it reasonable or convenient. Besides there are divers other exorbitant severities in it which may occasion law suits and tend to the distraction of families, of which there has been examples in New York. The penalty ought rather to have been pecuniary with imprisonment till the penalty be paid. We desire your Lordship therefore to acquaint the Assembly with these matters that they may avoid the like errors for the future. We do likewise observe to your Lordship that when the Assembly raise extraordinary supplies for particular uses (which is no part of H.M. standing and constant revenue), they may be permitted to name their own Treasurer. And such Treasurer may for such supplies be made accountable to the Assembly and to the Governor and Council also. And such moneys may be issued by warrants from the Colonells, Captains etc. according to the direction of the Act, but the Governour ought always to be informed of the occasion of the issuing of such warrants, and all persons concerned, whether Colonells, Captains, Treasurer etc., ought to be accountable to the Governour, Council and Assembly as aforesaid. Now having given your Lordship an account of what we think amiss on the part of the Assembly, we hope no occasion has been given by the Government for any just diffidence, and that your Lordship has and will lay before them an account of all monies raised by Acts of Assembly, when ever they shall desire the same, that upon their being satisfied with the right application thereof they may be encouraged to raise further supplies towards their own support and protection as is expected from them by H.M.,

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whereby an end may be put to the demands your Lordship makes from hence of arms and ammunition for the defence of the country, it being thought reasonable, that each Colony should make due provision thereof for themselves. And we further recommend that such moderate and perswasive means be used by your Lordship with the Assembly, that H.M. subjects in that Province may not be deprived of the succours that are necessary for their preservation. We are glad your Lordship[s] is preparing to send us the Minutes of the last Assembly, but as we have receiv'd none from your Lordship, we desire that we may have fair transcripts of all Minutes of Councill and Assembly, and of all other publick Proceedings since your Lordship's Government. Two frigatts [see Dec. 6, 1705], having some time since been sent to attend the service of New York, we doubt not but they will be sufficient to protect the coast of New York from the French privateers. The account of stores of warr expended at New York your Lordship has sent us is not so particular as it ought to have been, for by that we cannot tell what stores are remaining, and therefore cannot ask for any to be sent till we know the particular of what is wanting, and that your Lordship may be the better enabled to give us such an account as will be necessary, we send you here inclosed a copy of H.M. letter to you, which we forwarded to your Lordship March 26 last, by which you will perceive what sort of account it is H.M. expects. Unto which we are to add that the Province of New York ought to provide towards its own security by giving such necessary funds (as is done in other Plantations), for furnishing the inhabitants with arms, as there may be occasion. And therefore your Lordship will do well to represent this matter to ye next Assembly. And we must caution your Lordship that none of the publick powder be spent in unnecessary salutes. It being thought fit that the respective Plantations should provide themselves with Statute Books and such small necessities where they are wanting, we have acquainted Mr. Sloper, your Lordship's Agent, therewith. The new Seal for the Province of New York was sent to your Lordship by Col. Nott. We have now under consideration an Act we received from Col. Lodwick, *declaring the illegality of the Proceedings against Col. Bayard and Alderman Hutchins etc.*, which has no date to it, nor is it signed by your Lordship, so that it does not appear when it was past; whereupon we must remind you of what we have formerly writ, vizt., that all Acts ought to express the year of H.M. reign, in which they are pass'd, and also have the time when they pass'd the Assembly set down at the bottom, as well as the time when they pass'd the Councill and received your Lordship's assent, which we desire your Lordship therefore to be mindfull of for the future. H.M. having thought fit to send Capt. Rednap to succed Col. Romer for the finishing and repairing the forts and fortifications in New England and New Yorke, and Rednap having been some considerable time already in New England, your Lordship may, so soon as he shall have finished his work there, send for him to attend the service of New York. P.S.—You are to return the old Seal

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to us, broken, by the next opportunity. [*C.O.* 5, 1120. *pp.* 384-392.]

Feb. 7. **87.** Order of the Queen in Council. Repealing Laws of St. James's. Pennsylvania, upon Representation of Jan. 17 last. *Signed*, John Povey. *Endorsed*, Reed. Read Feb. 26, 170 $\frac{1}{2}$. 2 $\frac{1}{2}$ *pp.* [*C.O.* 5, 1263. *No.* 64; and 5, 1291. *pp.* 332-335.]

Feb. 7. **88.** Order of the Queen in Council. Representation of St. James's. the Council of Trade and Plantations of Jan. 10, relating to the misfeazances of the Proprietary and Charter Governments, is to be sent to Mr. Secretary Hedges to receive H.M. further pleasure, the matter contained therein being proper for the consideration of the Legislature. *Signed*, John Povey. *Endorsed*, Reed. Read Feb. 12, 170 $\frac{1}{2}$. 1 *p.* [*C.O.* 5, 1263. *No.* 60; and 5, 1291. *pp.* 320, 321; and (with copy of Representation enclosed) 5, 3. *Nos.* 24, 24.i.]

Feb. 7. **89.** Mr. Jackson to Sir C. Hedges. *Duplicate of No.* 74. *Endorsed*, R. March 13, 1705(6). [*C.O.* 194, 22. *No.* 59.]

Feb. 8. **90.** W. Lowndes to Mr. Popple. The Lord Treasurer refers Treasury Chambers. enclosed petition to the Council of Trade and Plantations for their opinion. *Signed*, W. Lowndes. *Endorsed*, Reed. Read Feb. 12, 170 $\frac{1}{2}$. *Addressed*. 1 *p.* *Enclosed*,

90. i. Thomas Byerley to the Lord High Treasurer. Whereas the Governor of New York has made an Order in Council that H.M. thirds of all seizures condemned in that Plantation shall be applied to defray the charges of prosecution, and the Commissioners of H.M. Customs have lately signified to Petitioner that he ought to be accountable for the same before them, notwithstanding he has duly entred the same in his account laid before your Lordship; and whereas he is obliged by his office to prosecute all seizures, notwithstanding the greatest part of them are of so small value as not to defray one moyety of the charge of prosecution, and whereas disputes frequently happen by reason of preferences made and extraordinary orders for payment of money. Petitioner prays that Instructions may be given herein. *Copy*. 1 *p.* [*C.O.* 5, 1049. *Nos.* 3, 4; and 5, 1120. *pp.* 394-396.]

Feb. 8. **91.** Council of Trade and Plantations to the Committee Whitehall. of the House of Lords. Enclose documents required, *No.* 77. [*C.O.* 29, 10. *pp.* 26-31.]

[Feb. 8.] **92.** Petition of the Agents of Barbados to the House of Lords. *Pray* to be heard by Council in reply to Mr. Kirton *etc.* (Jan. 25). 1 $\frac{1}{2}$ *large pp.* Set out, *House of Lords MSS.*, VI. *pp.* 373, 374. [*C.O.* 28, 9. *No.* 32.]

Feb. 9. **93.** W. Popple to Lt. Moody. Encloses copy of soldiers' Whitehall. Reply, *No.* 79.i. You are to take the affidavits of such of the soldiers

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lately come from Newfoundland as may be in London, before a Master in Chancery, as to the truth thereof, or to anything else they may know as well in relation to Newfoundland as to Capt. Lloyd. [C.O. 195, 4. pp. 192, 193.]

Feb. 9. **94.** W. Popple, jr., to Governor Nott. Since writing, Whitehall. Feb. 4, the Council of Trade and Plantations have received yours of Dec. 24, but have not time at present to answer by reason of the departure of the ships. [C.O. 5, 1361. p. 440.]

Feb. 9. **95.** W. Popple to Governor Lord Cornbury. *Encloses* Whitehall. packets for Col. Dudley; and acknowledges letters of July 13, Nov. 20, 26, and 27, received since Feb. 4. The Council of Trade and Plantations have not time by reason of the departure of the ships to answer the same; they intend to do it by the first opportunity. [C.O. 5, 1120. pp. 393, 394.]

Feb. 9. **96.** W. Popple to Isaac Addington. *Acknowledges letters.* Whitehall. [C.O. 5, 912. p. 125.]

Feb. 11. **97.** Mr. Nelson to Mr. Popple. *Encloses following* to be Boston, laid before the Council of Trade and Plantations. It is of great New England. import to all Gentlemen of honor, loyalty and distinction in this Country, as alsoe to the good establishment of the Church, and being informed of the endeavors of a faction who are buisie to reinstate themselves into the Govermt., I have for H.M. service thought it necessarie to inclose the case of our present Governor. The tranquillitie of this Country, joyn'd with ye honor and interest of the Crowne here, cannot in our apprehensions be better preserv'd then under his conduct *etc.* Signed, J. Nelson. *Endorsed, Recd. Read Aug. 8. 1706. 2 pp. Enclosed,*

97. i. The case of Governor Dudley. After 9 years' service in the Isle of Wight, as Lieut. Governor, to a great expence of his own, he was appointed Governor of the Massachusetts and New Hampshire by King William III. His Commissions were renewed by the Queen. The 4 great seales and his necessary equipage amounted to 1,300*l.* sterl. when he came away. In the 4 years of his government he has received of the Massachusetts Province 1,400*l.* sterl., which will not pay him his advance and find him a stable to put his horses in. During these four years his annual expence, house rent, servants, horses and a table amounts to 700*l.* per annum. For the whole time of his administration hee has been in warr with the Indians, and by the confession of all the People, the Indians were never before so well kept off, or distressed and putt from all their castles, planting and hunting, being removed some hundreds of miles distance. There was never any complaint offered against him but that which displeases is his care and attendance on the Church of England, the strict pursuit of H.M. commands, for

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the setting sallarys, the rebuilding of Pemmaquid and the care of the Acts of Trade. *Refers* to his Reports upon the Mohegin Indians and the government of Rhode Island, which have greatly displeased the Governments of Connecticut and Rhode Island. If he be now removed, without any complainte againste him, it will be to his very great damage and loss of his paste expences, being therein greatly hurte in his estate and honour, *etc.* to the great satisfaction of those two Governments *etc.* 2 pp. [C.O. 5, 864. Nos. 72, 73.]

Feb. 12. **98.** Navy Board to [? the Admiralty]. *In reply to enquiry about Naval Stores, quote their Report of May 22, 1703, q.v. 2 pp. [S.P. Naval, 7. Under date.]*

[Feb. 12.] **99.** Copy of Report of the Committee of the House of Commons on the Trade of Newfoundland. *See Journal of House of Commons, Feb. 12, 1705. Endorsed, Recd. March 19, 1705. 7½ pp. [C.O. 194, 3. No. 145.]* •

[Feb. 12.] **100.** Mr. Roope to the Council of Trade and Plantations. The men sent over this yeare to relieve ye Company in Newfoundland are many of them greene and rawe, wch. may occasion ye death of severall. *Proposes* that 30 be sent yearly as a reliefe *etc.* Signed, John Roope. *Endorsed, Recd. Read Feb. 12, 1705. Holograph. 1 p. [C.O. 194, 3. No. 111; and 195, 4. p. 194.]*

Feb. 12. **101.** Same to Same. If there should be a Governour settled at Newfoundland it will prove fatal to the inhabitants and the fishing ships. For whatever injustice he doeth committ is nott easily redressed. For the fishermen, as in all other trades, have butt litle more yn. ordinary bread, so yt. those poore men cannott spare time, nor indeed ye expences of a voyage hither to gett justice against a designeing Governour, who still will get some of those ignorant people, some by threats, some by faire promises and false storys, others by being made drunk, to signe, nay sweare something in his favour (as I believe yr. Lordships to plainly see in these two last yeares) and yn. cleare himselfe, and after yt. plague them tenn times woerse. And as [to] wt. is suggested by Mr. Moody, yt. ye inhabitants would nott watch, they desired to watch as they did in ye 2 foregoing winters, and yt. he would nott agree too, butt stood to his first proposall of haveing ye inhabitants to watch in ye fort onely. *Proposes* that in the winter the people retire to places of strength within their respective divition, bringing with them all their provisions and effects, except those yt. bona fide are gonn a hunting or have leave to goe to some remote place to saw boards, butt neither one nor ye other to carry their familys with ym. That they render themselves to sd. fortresses some time in 8ber, and every yeare on Sept. 20 choose one among themselves to have a power like yt. of a corporate town, and 6 others to succeed in case of

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mortality; yt. those yt. cannott be present att ye election may send theire vote in writeing; and allso before ye shippes depart there be a Militia settled by like election, ye Chiefe Officer of wch., on advice of ye approach of ye enemy to followe ye direction of ye Commander of ye Garrison in point of defence, butt nott to be sent out of muskett shott of ye fortress; that all the Commanding Officers be yearely relieved from England, and yt. they be all independent one of another; that there be a good, sober and well approved Minister yt. is nott given to drink settled in each place. $2\frac{1}{4}$ pp. [C.O. 194, 3. No. 112; and 195, 4. pp. 195-198.]

[Feb. 12.] **102.** *Duplicate of above with addition*:—As to what is complained offe yt. the fishing Admiralls engross all ye inhabitants' fish, it is the Amerricans who do not fish, but sell rum from harbour to harbour *etc.* Presented to the House of Commons, Feb. 2. *Signed*, John Roope. *Endorsed*, Recd. Read Feb. 25, 1705. $3\frac{1}{4}$ pp. [C.O. 194, 3. No. 118; and 195, 4. pp. 213-218.]

Feb. 13. **103.** (1) Affidavit of S. Paynter. Mr. Jones disturbs the course of Justice in Bermuda. He did not come to return the panel at the Quarter Sessions, and after waiting $2\frac{1}{2}$ hours the Sessions had to be dismissed. The prison doors are set open all day, and prisoners like Mr. Nelson might escape if they pleased. Mr. Jones suffers Mr. Starr and Mr. Woodward to go at large, tho' the Governor told him to secure them, *etc.* *Signed*, Stephen Paynter.

(2) Similar affidavit, *signed*, Lewis Johnson.

(3) Similar affidavit, *signed*, Nathaniell Trout (mark).

The whole endorsed, Recd. from Mr. Nodin Feb. 18, Read March 4, 1705. 3 pp. [C.O. 37, 7. Nos. 14-16.]

[Feb. 13.] **104.** Extract of Report of Committee of House of Commons. That there be six convoys of 4th rate shippes of warr yearly for Newfoundland, *etc.* *Endorsed*, Recd. from Mr. Blathwayt Feb. 13, 1705. $\frac{1}{2}$ p. [C.O. 194, 3. No. 113.]

Feb. 14. **105.** Committee of the Proprietors of the East Division of New Jersey. *Refer* to their application [1705] that their Agent, Peter Sonmans, might be of the Council, and the subsequent filling up of the Council. Mr. Sonmans arrived in New Jersey six months since and acquainted H.E. with his Commission for Agent, Genll. Attorney, *etc.*, who received him with great kindness. His Commission was read and allowed by the Governour in Council in August last. Yet some of the unruly Scots and those of their faction, who are the informers of the memoriallists here against the Lord Cornbury, opposed that Commission, pretending they had the majority of the Proprietors' power in them to constitute the Generall Agent. H.E. appointed a day for the parties to appear. The Pretenders were not able to prove their authority to exceed one Propriety and three

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quarters to support their pretended majority of 24 (the original number of Proprietors). Mr. Sonmans proved his Commission to be above 6 times of more authority then theirs *etc.* The Governour and Councill therefore confirmed it before a very great audience of the Country to their great satisfaction, and ordered it to be enter'd on record, H.E. also declaring that he had orders by his Instructions from H.M. to admit the Proprietors' Agent to be of his Councill, and did expect that Mr. Sonmans had brought the Queen's letter of approbation with him. Yet were these factious Pretenders so perverse and insolent as to incite one Barclay, a Scotch man, to persist in receiving the Quit-rents *etc.* of the Proprietors, he being one of their tools, to whom they had presumed to give a Commission to be Receiver Generall. Barclay resisted Mr. Sonman's Commission, until H.E. issued out a Proclamation to make void his pretended authority *etc.* *Pray that* Mr. Morris may be dismissed from the Council and Mr. Sonmans ordered to be admitted to it by this convoy. *Signed*, Wm. Dockwra, Sec. and Reg. *Endorsed*, Recd. Read April 24, 1706. 2½ pp. Fully set out, *N.J. Archives*, 1st ser. iii., 129. [*C.O.* 5, 970. No. 38.]

Feb. 14.
London.

106. W. Sloper to the Council of Trade and Plantations. Reply of Lord Cornbury's Agent to the memorial of the Proprietors of West Jersey. *Signed*, Wm. Sloper. *Endorsed*, Recd. Read April 24, 1706. 5 large closely written pp. Set out, *N.J. Archives*, 1st ser. iii., 133. [*C.O.* 5, 970. No. 39.]

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107. Council of Trade and Plantations to the Queen. Representation on needs of Newfoundland. *See Acts of Privy Council*, II. pp. 500–504. Repeat in part Representation of July 13, 1705. [*C.O.* 195, 4. pp. 199–207; and 194, 22. No. 60.]

Feb. 14.
Kensington.

108. Order of Queen in Council. Six ships are ordered for the Newfoundland convoy and provisions for the garrison *etc.* *See Acts of Privy Council*, II. pp. 500, 501. *Signed*, John Povey. *Endorsed*, Recd. Read Feb. 26, 1706. 1½ pp. [*C.O.* 194, 3. No. 114; and 195, 4. pp. 218–221.]

Feb. 14.
Kensington.

109. Order of Queen in Council. Necessaries ordered for the Company at Newfoundland. Set out, *Acts P.C.*, II. p. 501. *Signed and endorsed as preceding.* 1½ pp. [*C.O.* 194, 3. No. 115; and 195, 4. pp. 221, 223.]

Feb. 14.
Kensington.

110. Order of Queen in Council. The garrison at St. Johns to be made up to 200; prisoners at Placentia exchanged; Militia Officers to be constituted in the several harbours to enlist the inhabitants; officers of the Garrison and the Prize Officer prohibited from trading. *See Acts P.C.*, II. 502–504. *Signed and endorsed as preceding.* 2 pp. [*C.O.* 194, 3. No. 116; and 195, 4. pp. 224–227; and 194, 22. No. 61.]

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Feb. 14. **111.** Order of Queen in Council. Stores of war ordered for St. Johns. *See Acts P.C.*, II. p. 502. *Signed and endorsed as preceding.* 2 pp. [*C.O.* 194, 3. No. 117; and 195, 4. pp. 228-230.]
- Feb. 14. **112.** Copy of Mr. Jennings's Patent to be Secretary of Virginia, Aug. 12, 1702. *Countersigned*, Wright. *Endorsed*, Recd. from Mr. Corbin. 1½ pp. [*C.O.* 5, 1315. No. 8; and 5, 1361. pp. 440-442.]
- Feb. 14. **113.** Gentlemen concerned in providing masts to the Council of Trade and Plantations. Notwithstanding the heavy warr that is upon us by the French and Indians, such has been the care and conduct of the Governour, that the Indians in all the parts near us are beaten and burnt out of their forts, and their hunting and fishing destroy'd to that degree that the husbandry and masting of this Province is secured and proceeds to as good effect as in time of peace, and we have at no time desired guards for the labourers about the masts, nor Garrisons for the husbandry, but the Governour has immediately taken care therein, and more often prevented us in our demands than otherwise, so as the Province has been better defended than in any our troubles heretofore. Pray for the continuance of his Government *etc.* *Signed*, Ichabod Plaisted, Winthrop Hilton, Richard Hilton, Ezek. Wentworth, Saml. Chesley, Philip Chesley. *Endorsed*, Recd. May 31, Read June 1, 1706. *Addressed. Sealed.* 1 p. [*C.O.* 5, 864. No. 62; and 5, 912. pp. 149, 150.]
- Feb. 16. **114.** Affidavit of soldiers in Town lately arrived from Newfoundland, as to Capt. Lloyd's mulcting them of their pay, trading in H.M. stores, violent behaviour, Sabbath-breaking *etc.* *See March 29. 5 signatures. Endorsed*, Recd. Read Feb. 26, 1706. 1 p. [*C.O.* 194, 3. No. 125.]
- Feb. 16. **115.** House of Commons to the Queen. Pray that orders may be given for timely convoys to Newfoundland *in detail.* *See Commons' Journal*, Feb. 16, 1706. *Endorsed*, Recd. Read Feb. 21, 1706. *Copy.* 1½ pp. [*C.O.* 194, 3. No. 119.]
- Feb. 16. **116.** Governor Handasyd to the Council of Trade and Jamaica. Plantations. *Acknowledges* letter of Oct. 29. I shall serve Mr. Dummer to the uttermost of my power, but as to his packett-boats, I am apprehensive there is a great mismanagement in loading them too deep, through which means I am of opinion the *Barbadoes* miscarried: she ran ashore on the Island of Heniagoe, Dec. 28, on her voyage to England, as I have an account by the Capt., who arrived here two days since with all his men except his Lieut. and Chief Mate, in a small barke they made of the rack of the packett-boat, after she was cast ashore, and coming back to Jamaica with the mail and what mony was shipt on board the packett-boat, which I am informed was a very considerable summ, were taken by a French privateer,

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who plundered them of their money (the mail being thrown overboard) took the Lieut. and Chief Mate, and lett the Captain and the rest of his men go. The goods they saved on the Island they were cast away, and Mr. Dummer's Agent, Mr. Wood, and other persons concerned, are fitting out a sloop from hence to fetch them, the goods being of very great value. We have an account from the Windward Islands, of great preparations the French are making at Martinico, as it is supposed either to attack this Island or some other of H.M. Colonies in these parts, they having called in their privateers, some ships are arrived from France, and more are daily expected, the number of them I cannot yet learn, or what forces they may have on board, but by a letter from Curasao to a merchant here, I have advice that 4 French men of war are arrived at Tobago, with 300 souldiers on board each *etc.* If their designe is on this Island, I shall take all possible care to put every thing in as good a posture of defence as we are capable of, *etc.*, as Jan. 16. I shall be obliged to lay an imbargo on all vessells after the packett boat is sailed, till we have a further account of what the enemies' designe is. Our men of war here are almost ready to go to sea, but are in great want of men, and I am affraid if shipping does not come in, I shall be obliged to press men on the Island to supply them. The two additional Companys for my Regiment are not yet arrived ; and we still want 150 men to compleat our Companys, 70 men each according to the establishment, which I hope your Lops., since we are so threatened, will take care we are supply'd with. *Encloses* deposition of Dr. Ogle, physician to the fleet, by which your Lops. will be informed of such hardships, as I never have met withall, and likewise my proceedings therein. *Prays* for the Board's favour and protection on behalf of myself and Regiment, that neither I as a Collonel may loose my post in the army, nor my Regiment its cors. My Commission as Brevett Coll. bears date June 28, 1701, and that for the Regiment June 20, 1702, by which I believe I am now an old Collonell. One of our privateers having taken a Spanish advice boat two days since, I send the most matterial letter that was found on board translated into English. *Signed*, Tho. Handasyd. *Endorsed*, Recd. 12th, Read 15th April, 1706. 2 pp. *Enclosed*,

116. i. Letter from a merchant at Cadiz, Dec. 20, to a correspondent at La Vera Cruz *referred to in preceding*. Our King hath not wherewith to pay one soldier *etc.* Complains of taxation *etc.* *Same endorsement*. 1 p.

116. ii. Letter from a correspondent at Curaçoa to Mr. Gautier in Jamaica. Feb. 17, 1706. There is an imbargo laid here because there is daily expected at Martinique 16 men of war and 4 briganteens laden with provisions and ammunition, wch. are fitting out at Rochefort. This news came by 4 ships of war arrived at Tobago, each with 300 soldiers. The expedition is said to be against this Island and Jamaica *etc.* *Same endorsement*. 1 p.

116. iii. (a) Copy of Deposition of Dr. Ogle. Jamaica, Jan. 30, 1706. Capt. Jemisson, in company with

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Sir W. Whetstone, Capt. Allen and deponent, said that the Governor told him there was an affidavit sent home agt. him. Capt. Allen replied there would a great many affidavits go home agt. the Governor of his arbitrary and unjust proceedings, and that he was a rascall and a villain, had neither honour nor honesty, and that he would prove when he gott home *etc., etc.* *Signed, Nicholas Ogle. Subscribed,*

(b) I must confess I was dissatisfied at Capt. Allen's misbehaviour in running away from the two French merchant ships, of 46 guns worth 100,000,000 of livres, the other of 26 men with 100 barrills of indigo and a great deal of money, and wrote my opinion to Admiral Whetstone, *etc.*, which I suppose was the occasion of his speaking such scandalous words behind my back. But I thank God nobody ever dared to say so to my face, or justify it. The Magistrate by whom the deposition was taken immediately issued out a warrant for the apprehending of Capt. Allen, he being then ashore. But as soon as I had notice of his barbarous usage of me, I went on board the *Montague* to decide the matter as a man of honour ought to do, where I found Capt. Allen in such a submissive posture, that if he had killed my father, I could not have drawn my sword agt. him. He made reparation *as follows.* *Signed, Tho. Handasyd.*

(c) I heartily beg pardon for any words or actions by me said or done against H.E. *etc.* *Signed, B. Allen.* Jan. 31, 170⁸. *Copies. Same endorsement. 2 pp.* [C.O. 137, 7. Nos. 21, 21.i.-iii; and (without enclosures) 138, 11. pp. 448-453; and (extract of covering letter and duplicate of No. iii.) 137, 45. Nos. 74, 74.i.]

Feb. 16.
Jamaica.

117. Governor Handasyd to Mr. Secretary Hedges. I am honoured with yours of Nov. 29, *etc.* I shall take particular care that the Spaniards have as much notice of [our glorious success in Catalonia] as possible, who I find generally very well inclined to King Charles' interest, except such as are in great employments with French officers, who are as spys over them in all their actions. *Repeats parts of preceding letter.* The Island is at present healthy again, but has been attended with great mortality. *Signed, Tho. Handasyd. Endorsed, R. May 21. 1½ large pp.* [C.O. 137, 45. No. 75.]

Feb. 18.

118. Mr. Bridger to the Council of Trade and Plantations. Mr. Heathcote (Feb. 4) barely asserts every particular without any proof or explanation. I do, with the result of my own experience, say it is impossible, and he cannot performe any one thing he aims at, *etc.* *Signed, J. Bridger. Endorsed, Reed.* Read Feb. 18, 170⁸. *Addressed. 1 p.* [C.O. 5, 1049. No. 7; and 5, 1120. p. 412.]

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Feb. 18. Cockpitt. **119.** Mr. Sec. Hedges to Governor Nott. You are to permit merchants' ships to sail from Virginia after the departure of the convoy, without being embargoed there, in case a second convoy be not sent to bring them away in Sept. *Signed*, C. Hedges. Similar letter, *mutatis mutandis*, to the Governor of Maryland. [C.O. 324, 30. p. 71.]
- Feb. 18. Cock Pitt. **120.** Sir C. Hedges to the Council of Trade and Plantations. The House of Commons having given leave for a Bill to be brought in relating to the Proprietary and Charter Governments in America, I send you a draught of what has been prepared for that purpose for your observations thereon. *Signed*, C. Hedges. *Endorsed*, Recd. Read Feb. 19, 1705. 1 p. [C.O. 5, 1263. No. 62; and 5, 1291. p. 323.]
- Feb. 19. Whitehall. **121.** Council of Trade and Plantations to Mr. Secretary Hedges. *Return preceding* Act with some alterations. We do not determine whither the last clause may not too much restrain H.M. Prerogative. *Annexed*,
121. i. Amended Draught of Bill for the better regulation of Charter and Proprietary Governments in America and for the encouragement of the trade of this Kingdom and of H.M. Plantations. 5 pp. [C.O. 5, 3. No. 27; and 5, 1291. pp. 324-332.]
- Feb. 19. **122.** Heads of Complaints against Mr. Jones, Sec. of Bermuda, delivered to Mr. Bradshaw for his answer, by the Council of Trade and Plantations. *Same as C.S.P.* 1701, No. 797.ii., *with additions*; (20) He hath falsely represented the tempers and dispositions of the inhabitants. (21) Hath rendered himself so very obnoxious, that the Council, to whom he is by his Patent Clerk, refuse the doing business if he attends them, being, as they say, the professed enemy to the the people of that Island. (22) He occasions the stagnation of all publick business, for the Courts will not proceed, if he be their clerk (*see* Oct. 9, 1705). (23) He has commenced his action against one of the tenants as also against the Marshall, who officiated during his suspension for the profits of his office (June 29, 1705). 7½ pp. [C.O. 37, 7. No. 13; and 38, 6. pp. 148-151.]
- Feb. 20. Whitehall. **123.** Council of Trade and Plantations to the Lord High Treasurer. Enclose accounts of the Board [*see* Dec. 25, 1705]. [C.O. 389, 36. pp. 310, 311.]
- Feb. 20. Whitehall. **124.** W. Popple, jr., to Mr. Lowndes. Reply to Feb. 8. Mr. Byerly informs the Council of Trade and Plantations that the charge of prosecutions of seizures in New York for irregular trade was formerly defrayed out of the gross value before any dividend made, but that he understands that an Order of Council has been lately issued at New York, *as Feb. 8*, whereof their Lordships have no information; but if true, they are of opinion

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that the charge should not be taken from the Queen's part only, but from the whole produce, according to the former usage. [C.O. 5, 1120. pp. 413, 414.]

Feb. 20.
Council
Chamber,
Whitehall.

125. Order of Committee of Appeals. The Agent of the Mohegan Indians to have copies of Sir H. Ashhurst's Appeal and Council of Trade's representation, and the parties to be heard at the first meeting after Easter. *Signed*, John Povey. *Endorsed*, Recd. Read April 2, 1706. $\frac{1}{2}$ p. [C.O. 5, 1263. No. 68; and 5, 1291. pp. 348, 349.]

Feb. 21.
Whitehall.

126. Council of Trade and Plantations to the Queen. *Propose*, as ordered Feb. 21, that the fishing admirals at Newfoundland be reminded to keep a journal of ships etc. and send a copy to the Privy Council. *See Acts of Privy Council*, II. p. 504. [C.O. 195, 4. pp. 208, 209.]

Feb. 22.
Whitehall.

127. W. Popple, jr., to Mr. Lowndes. *Reply to Feb. 4.* The Council of Trade and Plantations find that Mr. Heathcote's proposals, for providing certain quantities of Naval Stores at New York, will engage the Crown in great uncertainties; that the transmitting to him of English goods to the value of 450*l.* sterl. for the building of each ship according to his proposal will necessarily engage H.M. in the expence of maintaining an officer here to purchase such goods and hold constant correspondence with him there, and as to the iron-work necessary for the said ships, he is not particular enough, either in the charge thereof, or in the manner of sending it thither. They conceive his proposals of making sail-cloth at New York not proper to be encouraged, for that it will be more advantageous to England that all hemp and flax of the growth of the Plantations should be imported hither, in order to the manufacturing of it here. They cannot think his proposall of having 6 soldiers out of each Company advisable, especially during this time of war, for that the safety of the Province will not admit of their being taken from their posts, and the paying to his order here in England and subsistence and pay of 24 men, proposed to be enlisted by him, will cause great confusion in the accounts of the soldiers there. The late Act for *encouraging the importation of Naval Stores* was designed as a general invitation to all persons whatsoever to promote that undertaking; and a compliance with this or any particular proposal (in which the Crown is to be concerned), will tend to the obstructing the publick benefit designed by the Act. [C.O. 5, 1120. pp. 414-416.]

Feb. 22.
Knights-
Bridge, 22d.
 $\frac{1}{2}$ mo (Feb.) 170 $\frac{1}{2}$.

128. William Penn to the Council of Trade and Plantations. *Encloses* letter from Lt. Gov. Evans and Address [see Nov. 9, 1705]. I also inclose the heads of a letter, instead of the former to the Lieut. Governor, if you please to write one, which I think would be an encouragement to the Governor, Assembly, and better part of the Province and Territories, and a stroke on them that have been both troublesome and culpable, especially those

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you complained of in the late Reigne so justly. I could be glad of your advises and Letter to my Lt. Govr. to inclose them in my Pacquet, to be sent by this opportunity. *Signed*, Wm. Penn. *Endorsed*, Recd. Feb. 22, Read March 1, 170 $\frac{1}{2}$. 1 p. *Enclosed*,

128. i. Some Minutes for a Letter to the Lt. Governor of Pennsylvania from ye Lords Comrs. of Trade. (1) That instead of expressing their dissatisfaction that no care has been as yet (?) taken for the support of the Governmt. they are very glad to hear by ye Chief Governr. that this Assembly has done themselves and the Country the justice to grant some supplies for the support of the Governmt. (2) That those persons should be encouraged that have always, and now especially shewn themselves ready to support the Governmt. and that are not of violent and obstinate Tempers. (3) To express their minds that the Duty on Tobacco be paid in Tobacco, for want of money, as the Statute indulges. For the Lords Comrs. may assure themselves that an over-officiousness of the Officers to recommend themselves must needs be the ruine of the Plantation Trade, which merchants too sensibly feel. 1 p. [C.O. 5, 1263. Nos. 65, 65.i.; and (without enclosure) 5, 1291. p. 336.]

Feb. 22. **129.** Sir H. Ashhurst to the Council of Trade and Plantations. Prays for copies and dates of Col. Dudley's letters complaining of Connecticut's refusal of the quota and treatment of H.M. Commission. *Signed*, Hen. Ashhurst. *Endorsed*, Recd. Read Feb. 22, 170 $\frac{1}{2}$. *Holograph*. 1 p. [C.O. 5, 1263. No. 63.]

Feb. 22. **130.** Mr. Secretary Hedges to the Council of Trade and Whitehall. Plantations. *Encloses following* for consideration. *Signed*, C. Hedges. *Endorsed*, Recd. Read Feb. 22, 170 $\frac{1}{2}$. $\frac{1}{2}$ p. *Enclosed*,

130. i. Col. Quarry, S.G. of H.M. Customs in America to the Lord High Treasurer, Feb. 2, 1705(6). No trade belonging to England is under worse management than that of tobacco. *Proposes* such a regulation as may be "for the interest of H.M., the planters and merchants, now injurious to all." These Provinces producing but one crop of tobacco yearly, one fleet under a good convoy may bring the same home, which would fix the price of tobacco in England and abroad and people would buy briskly, being well assured no other supply could come till next year. The late distractive and irregular way of severall fleets discourages the buyer and lowers the price, to the ruin of all concern'd, for they depend on an after fleet's bringing greater quantities then really there is, and so defer buying. If the outward bound fleet could arrive about the beginning of Decr., the greatest part of the crop would be stript and packt and be ready to sail in April or May, by which damage to their ships

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by the wormes and sickness and the enemy will be prevented. No single ships ought to be suffered to run, which, if taken, encourages the privateers, lessens H.M. Revenue and spoils our Foreign Marketts. Perhaps there never was such an instance of 3 several Fleets in 14 months' time, which has given such a fatal blow to this trade as will hardly be retrieved, for several thousand hhds. of Oronoko tobacco being worth nothing to the owners, many of the Planters' Bills of Exchange were returned protested, not above half the quantity of our manufacture sent, to the great disappointment and utter ruin of many in the course of trade, the present war having deprived us of the trade with Spain, France, Flanders and part of the Baltick. Those markets are now largely supplied from Holland. *Refers to manufacture in Russia, confirming following. Signed, Rob. Quarry. 5 pp. [C.O. 5, 1315. Nos. 9, 9.i.; and (without enclosure) 5, 1361. p. 443; and (enclosure only) 5, 3. No. 26.]*

Feb. 22.

131. Planters and Manufacturers of Tobacco to the Queen. Your Majesty's Order put a stop to the manufacture of tobacco at Moscow. Petitioners believe several persons are endeavouring to set up the manufacture of tobacco there again, and to gain the monopoly of importing it. *Pray* that directions be given to H.M. Envoy at Moscow that he use his utmost endeavours to obtain liberty to all your Majesty's subjects to import tobacco in leaf, and manufactured here, into his Czarish Majesty's Dominions, upon an equal and as reasonable a duty as possible; and that such measures may be taken for the prevention of any manufacturers or utensils for manufacturing tobacco going into those dominions or elsewhere beyond the seas, as your Majesty shall think fitt. 65 signatures. *Annexed,*

131. i. Reasons against permitting manufacturers of tobacco and utensils to be sent to Moscow. (1) The Czar's subjects will become masters of the art, make their own tobacco serve instead of our Plantation tobacco, and engross the trade of the East. (2) Virginia and Maryland imploy annually 300 sail of ships, which is a good nursery for sailors, produces a considerable Revenue to H.M. and advantage to the manufacturers of this Kingdom, those Plantations taking off not less then 300,000*l.* per annum of our course manufactures, and imploy 200,000 poor of this Kingdom, besides what are employed in the Plantations. (3) If the Czar's subjects learn that art, it will necessitate the Planters to find out other manufactures and cloath themselves, whereby the poor of this Kingdom will be deprived of their subsistance. (4) The Tobacco trade is under such discouragement by these practices that for 5 years last past there hath not been exported so much manufactured tobacco as was in one year

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before, *etc.* (4) The exportation of tobacco into the Czar's dominions by any persons exclusive of others of your Majesty's subjects qualified by law is in effect a monopoly, and contrary to the course and nature of trade, and to the prejudice of all other your Majesty's subjects, and will tend to the great damage of Virginia and Maryland. *Subscribed,*

131. ii. H.M. refers *preceding* petition to the Council of Trade and Plantations for their opinion. *Signed,* Rob. Harley, Kensington. *The whole endorsed,* Recd. from Clayton, Read Feb. 25, 1705. 1½ large pp. [C.O. 5, 1315. Nos. 10, 10.i., ii.; and 5, 1361. pp. 445-449.]

Feb. 22.
Admiralty
Office.

132. Mr. Burchett to Mr. Popple. In answer to yours of 21st. The ships which go to New England this year to fetch masts for the Navy are first to proceed to Lisbon with Navall Stores. The convoy appointed is the *Dover*, which is to proceed to Lisbon with the next squadron of H.M. ships bound thither, in all probability about 3 weekes or a month hence. *Signed,* J. Burchett. *Endorsed,* Recd. Read Feb. 26, 1705. ¼ p. [C.O. 5, 864. No. 52; and 5, 912. p. 126.]

Feb. 23.
Admiralty
Office.

133. Council of the Admiralty to the Queen. *Report on petition* of Newfoundland Merchants for convoy. The usuall convoy has been 4 ships, two sailing in March, and two in May. All possible endeavour should be used to support this important trade; but as there is and will be a very pressing occasion for ships for other services, which 'tis to be feared cannot be all provided for, soe is there likewise a great scarcity of men to putt them into a condition for the sea. And there being at present a general embargoe, it is humbly submitted to H.M. whether the same shall be taken off from the Newfoundland ships, and protections granted for their men as desired, and whether Petitioners shall be gratified, according to their petition, with six ships of warr for the security of their fleet. *Signed,* D. Mitchell, Geo. Churchill, Clow. Shovell. *Countersigned,* J. Burchett. 2 pp. [S.P. Naval, 7. Under date.]

Feb. 25.
Whitehall.

134. W. Popple to Mr. Bradshaw. The Council of Trade and Plantations being pressed for their report on Mr. Jones, desire you to despatch your answer before Monday [see Feb. 19]. [C.O. 38, 6. p. 151.]

Feb. 25.
Whitehall.

135. Council of Trade and Plantations to Mr. Secretary Hedges. *Refer to letter of* May 16, 1705. The season now approaching for the Commodore's going to Newfoundland, we doe submit it to H.M. pleasure whether the Commission to command in chief there should issue, as formerly, to him, or whether he should be restrained as the last year. In case there were not a competent number of fire-arms sent last year, according to our letter of July 13, we humbly offer that they should be sent by the first convoy. *Autograph signatures.* *Endorsed,* R. March 1. 2 pp. [C.O. 194, 22. No. 62; and 195, 4. pp. 210-212.]

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Feb. 25.
Whitehall.

136. W. Popple, jr., to Wm. Clayton and Tho. Johnson. *Encloses* extract of Memorial from Col. Quarry [No. 130.i.] relating to convoys for Virginia and Maryland, and desires the opinion of the merchants of Liverpool.

The like Letter to Major Yates at Bristol and Isac Milner at Whitehaven. [C.O. 5, 1361. pp. 443, 444.]

Feb. 25.
Whitehall.

137. W. Popple, jr., to Col. Blakiston. The Council of Trade and Plantations having this day been attended by the Virginia and Maryland merchants relating to convoys, and the merchants not agreeing amongst themselves, desire you to communicate inclosed extract of a Memorial [No. 130.i.] for their opinion. [C.O. 5, 1361. p. 444.]

Feb. 25.

138. John Anderson and other soldiers, lately returned from Newfoundland, to the House of Commons. *Give details* as to Lt. Lloyd's forcing the soldiers to trade with him at exorbitant prices and to hire themselves out to the fishing. We have not received any pay since Sept. 22, 1704, etc. 6 signatures. *Endorsed*, Recd. from the House of Commons Feb. 25, 1708. 2 pp. [C.O. 194, 3. No. 121.]

Feb. 25.

139. Mr. Commins' Representation to the House of Commons upon corruptions in the Trade to Newfoundland. Contrary to the Act ships come from Portugal, unduly navigated, and fish, bringing goods from Portugal. Ships that come early in the spring take up more fishing room than they have occasion, to serve their friends that come later. They do not come qualified in their complement of men according to the injunction of the Act to have at least one man in five never at sea before. No ship should carry off any inhabitants or servants without publick notice. Ships trading there, fearing the inhabitants are insolvent, pillage their Rock for the saving of themselves. *Describes* abuses as to shipping room, heaving ballast into the harbour, Admirals not keeping Journals to send to the Privy Council, and the observation of the Sabbath. The decision of civil matters ought not to be in the hands of the Admirals. The inhabitants ought to be under the Commanding Officer, whom the inhabitants of St. Johns refused to obey for their own safety, having those notions infused into them by the West Country Masters, that he has no power over them. An established Government is very necessary there. *Proposals* for the regulation of the price and sale of fish and train oil. Men of war ought not to press men from the boats of other harbours that are withdrawing their effects for safety. Men of war should cruise from harbour to harbour, etc. Care should be taken of the Irish there, for they by our daily experience have proved very detrimental, taking up arms for the enemy and giving information. If Placentia were reduced, France and Spain would starve, etc. *Endorsed as preceding*. 2 pp. [C.O. 194, 3. No. 122.]

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Feb. 25. **140.** Mr. Jackson to Mr. Popple. *Encloses following. Signed,*
 Swallow Street, John Jackson. *Endorsed, Reed. Read Feb. 26, 1706. Addressed.*
 Westminster. 1 p. *Enclosed,*

140. i. Mr. Jackson to the Council of Trade and Plantations.
 Prays to be heard face to face with his accusers. *Signed,*
 John Jackson. 1 p. [C.O. 194, 3. Nos. 123, 123.i.]

Feb. 26.
 London.

141. Mr. Campbell to the Council of Trade and Plantations.
 Offers reasons why the Agent for Prizes at Newfoundland should
 not be debarred from trading. *Signed, Ja. Campbell. Endorsed,*
 Reed. Read Feb. 26, 1706. 1 p. [C.O. 194, 3. No. 124.]

Feb. 26.
 Barbados.

142. Governor Sir B. Granville to [? Lt. Governor Johnson].
 I have the favour of your letter of the 18th inst. by Mr. Nivine,
 who communicated to me also what you writt to Capt. Stuckley.
 I did, as you desired me, give my opinion to him, but he insists
 upon having a positive order from me, which I am no waies
 impowered to give him. I am very impatient to hear of your
 good success, etc. *Signed, Bevill Granville. 1 p. [C.O. 28,*
 38. No. 44.]

Feb. 26.
 Deptford in
 Carlisle Bay,
 Barbados.

143. Capt. Stuckley to Lt. Governor Johnson. I have
 received yours of the 18th, and should be as glad as any man
 alive to be assisting to the relief of the Leeward Islands. My
 orders from H.R.H. are to send [? attend] on ye Collony of New
 England, and absolutely to follow Col. Dudley's orders, whose
 were to me to convoy the Fleet bound thence to this place and
 Salt Tertudoes, and back again. Should I neglect doing it,
 I am liable to his just complaints of my breach of orders, and
 the prejudice that will ensue to a fleet of 40 sail. My going
 to Antegoa, etc. will of necessity disapoint theire proceeding
 to Salt-Tertudoes, and New England want as necessary an
 assistance by that means as any it has, etc. *as preceding. Signed,*
 H. Stuckley. *Addressed. Sealed. 1½ pp. [C.O. 28, 38. No.*
 45.]

Feb. 28.
 Cockpitt.

144. Mr. Secretary Hedges to the Council of Trade and
 Plantations. *Encloses following* for their opinion before laying
 it before H.M. *Signed, C. Hedges. Endorsed, Reed. Read*
 March 4, 1706. 1 p. *Enclosed,*

144. i. G. Ritter to the Queen. François Louys Michel, citizen
 of Berne, having settled in Pennsylvania, has through
 petitioner, citizen of the same town, persuaded a colony
 of 4 to 500 Swiss Protestants to go and settle on some
 uninhabited lands in Pennsylvania or on the frontier
 of Virginia. *Prays* H.M. consent and protection and
 that (1) they should be regarded as H.M. subjects;
 (2) that they should be settled on some navigable
 river; (3) that each Colonist have about 100 acres,
 and the settlement be called Berne; (4) that Orders
 be given to H.M. Governor to advance them seed-corn
 for the first year, to be repaid in 4 years; (5) that they

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have freedom to trade like H.M. other subjects ; (6) and exemption from taxes for 10 years ; (7) freedom to choose Ministers of the Gospel, and officers of justice and police, under the direction of the Governor ; (8) that, after public prayers for H.M., they should be allowed to pray for the Republic of Berne, which is allied to H.M. ; (9) that similar privileges be granted to all who hereafter come from Switzerland to increase that Colony ; (10) that they be transported with their effects from Rotterdam at H.M. expense. *Signed*, George Ritter. *French*. 4 pp. [*C.O.* 5, 1315. Nos. 14, 14.i. ; and 5, 1362. pp. 9-12.]

Feb. 28. **145.** W. Popple to Mr. Jackson. The Council of Trade and Plantations send you Mr. Clark's affidavit and Mr. Span's letter for your answer. [*C.O.* 195, 4. p. 232.]
Whitehall.

March 1. **146.** Council of Trade and Plantations to Mr. Secretary Hedges. *Enclose* informations relating to Major Lloyd to be laid before H.M. In case H.M. shall think fitt to send a reinforcement, *as No.* 110, it will be necessary that a proportionable increase of provisions be forthwith ordered. [*C.O.* 195, 4. p. 233.]
Whitehall.

March 1. **147.** W. Popple to Mr. Penn. The Council of Trade and Plantations acquaint you that the matter of the Address *referred to No.* 128.i., belongs properly to the Commissioners of H.M. Customs, and that it will be expedient you make your application to them. [*C.O.* 5, 1291. p. 344.]
Whitehall.

March 1. **148.** Mr. Secretary Hedges to the Council of Trade and Plantations. Mr. Macarty being dead, Mr. Richard Clayton is proposed to succeed him in the Council of St. Christophers. *Enquires* if there is any objection. *Signed*, C. Hedges. *Endorsed*, Reed. Read March 4, 1706. 1 p. [*C.O.* 152, 6. No. 33 ; and 153, 9. p. 293.]
Whitehall.

March 1. **149.** Council of Trade and Plantations to Governor Nott. Since ours of Feb. 4, delivered to Coll. Quarry, who returns by the convoy now bound to Virginia, we have received 2 letters from you, both dated Dec. 24, 1705. In answer to what you write in relation to the laws, we think you ought to pass all laws offered to you by the Assembly, that are not prejudicial to H.M. prerogative, the good of the country, and not repugnant to the laws of England, but upon your passing the same we desire you to send them hither, as well those that have no alteration as the others that have, with your observations thereupon, to the end we may consider the same in order to our laying them before H.M. for her allowance or disallowance thereof. We observe the alteration you mention to be made by the Assembly in the Revenue Bill for diminishing the allowance of the 2s. per hhd. to Masters of ships, and are not satisfied that this abatement will be for the advantage of H.M. Revenue in England : for that
Whitehall.

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the encouragement for making due entries is thereby diminished, and therefore we desire further information. As to what you write that the abating something of 12 p.c. advance on the first cost of the arms will facilitate the sale thereof, we think you may use your discretion therein, so as H.M. lose as little as possible by any such abatement. We take particular notice of what you say about planting of cotton and flax in Virginia, which we think very prejudicial to H.M. service, and therefore we desire you will do all you can to discourage the same, by all lawful ways and means, and particularly not to pass any law or do any Act in Council to promote the same. As to what you write concerning your Instructions that excludes any Counsellors from being Naval Officers, and their thinking it hard they shou'd be at so great trouble and charge, and yet be made incapable of any of those places, that regulation was made upon Memorials presented to us, extracts whereof are here inclosed, that you may examine the same in Council, and enable us by your contradicting those reasons to lay before H.M., what we shal thereupon judge most proper in this Particular. We have under consideration the pattering of lands on the South side of Black-water, and do think fitt that you do continue the late restriction made therein without permitting any new rights to be granted, until you shal hear further from this Board. And in all other occasions of granting of lands you are to keep stricktly to the plain meaning of your Instruction concerning the pattering of lands. *Enclose Mr. Jennings' Memorial (Jan. 11).* We think that the nomination and commissionating the said Clerks is solely in the Secretary, and that the Council of Virginia ought not to intermeddle therein except in cases of misdemeanour or the misbehaviour of any of the Clerks. [*C.O.* 5, 1362. *pp.* 6-8.]

March 2.
London.

150. Mr. Bradshaw to the Council of Trade and Plantations. The complaints against Mr. Jones [Feb. 19] were fully answered (*quotes* Order in Council *below*), except the four last heads, to which I desire Jones may be allowed a convenient time to send an answer, or that a Commission may pass under the public seal of Bermuda empowering some indifferent person, or persons, to make a through examination. Three of those Articles are such general accusations and mention such matters that doe not seeme to be any offence, but the effect of prejudice; the last article is that he hath taken a legal remedy to recover what he supposes is his right, which was never yet deemed a crime, *etc.* *Signed,* Richd. Bradshaw. *Endorsed,* Recd. Read March 4. 1½ *pp.* *Enclosed.*

150. i. Order of Queen in Council, C.S.P., 1704, No. 258. 2 *pp.* [*C.O.* 37, 7. Nos. 17, 18; and (*without enclosure*) 38, 6. *pp.* 152, 153.]

March 4.
Whitehall.

151. Council of Trade and Plantations to Mr. Secretary Hedges. *Reply to March 1st.* We have no objection to Mr. Clayton. [*C.O.* 153, 9. *p.* 294.]

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March 4.
Barbados.

152. Governor Sir B. Granville to the Council of Trade and Plantations. By letters from Col. Johnson, dated Feb. 7, I have an account that a French Fleet of 7 large topsail ships, and as many sloops and brigantines as made up 36 vessels had appeared in sight of Antego, and ply'd two days to windward, in order, as he believ'd, to land there, but the ships not being able to turn up, they bore away to leward, etc. *Repeats* news of St. Kitts, etc. Col. Johnson desired I would send H.M. ships to his assistance, and I did accordingly doe so. *Signed*, Bevill Granville. *Endorsed*, Reel. 21st, Read 28th. May, 1706. *Holograph*. 3 pp. [C.O. 28, 9. No. 44; and 29, 10. pp. 58-60.]

March 4.
Barbados.

153. Same to Mr. Sec. Hedges. *Repeats preceding*. *Acknowledges* letter of Jan. 15. I having sent last to Martinique about the Torailles, and receiv'd such a positive answer from the Governour, doe beleive it not proper for me to begin that matter again, but that I ought to let the farther treaty of it arise on their side, when it does I shall use the greatest caution in the management of it according to your instructions. *Signed*, Bevill Granville. *Endorsed*, R. May 21, 1706. *Holograph*. 4 pp. [C.O. 28, 38. No. 46.]

March 5.

154. Copy of Mr. Jones Patent from K. William III constituting him Secretary and Provost Marshal of Bermuda. *Countersigned*, Cocks. *Endorsed*, Reel. Read March 5, 1706. 2½ pp. [C.O. 37, 7. No. 19; and 38, 6. pp. 153-155.]

March 5.
Cockpitt.

155. Mr. Sec. Hedges to the Council of Trade and Plantations. You are to prepare a Declaration for settling a Militia in New-foundland (Feb. 14). *Signed*, C. Hedges. *Endorsed*, Reel. Read March 13, 1706. 1 p. [C.O. 194, 3. No. 126; and 195, 4. p. 239.]

March 5.

156. Contractors with the Czar of Muscovy to the Council of Trade and Plantations. Wee have no such design as that attributed to us [No. 131], neither do wee know of any that hath. All our aim is to sell the tobacco wee have had severall years in Russia before it perish, wherein wee hope H.M. and your Lordships will afford us your best assistance. *Signed*, Nath. Gould, Sam. Heathcote, Wm. Dawsonne, Edward Haistwell. *Endorsed*, Reel. Read March 5, 1706. 1 p. [C.O. 5, 1315. No. 15; and 5, 1362. pp. 12, 13.]

March 5.

157. Mr. Bridger to the Council of Trade and Plantations. Should i be silent on a thing of this nature, which is so very destructive to the manufacture and thereby to the trade of this Kingdom, I should not only be wanting in my duty but be guilty of a crime above pardon for not acquainting your Lordships of it, whose prudent and daily care, great wisdoms and constant studdys for the publicke good would in some measure cheque this growing thriving trade in New England, that's the manufacturing

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of their own wool, which they have great quantitys of and in order to this worke there is now entred 155 doz. of wool cards since Dec. 3, last. Besides wool combs a great quantity, weh. I presume are not to be exported, that commodity being entred as wrought iron. I have observed that there is not the quantity of woolens exported as usual, which must proceed from this trade of making their own cloth in New England and no other Plantation, and if not prevented will increase. *Signed*, J. Bridger. *Endorsed*, Recd. March 5, Read April 1, 1706. *Addressed*. 1 p. [C.O. 5, 864. No. 53; and 5, 912. pp. 127, 128.]

March 6. **158.** Lords Proprietors of Carolina to Governor Sir Nathaniel Johnson. We hereby make null and void, and require you not to put in execution the Law for the Establishment of Religious Worship according to the Church of England, *etc.* *Signed*, Granville, Palatine, M. Ashely, J. Colleton, Jo. Archdale. [C.O. 5, 289. p. 111.]

March 8. **159.** Merchants of Whitehaven to the Council of Trade and Plantations. Disagree with Col. Quarry's Memorial (Feb. 22). Being at a great distance from London, must go at a later season than the Londoners, when the enemy's privateers dare not lie upon our coasts, and therefore cannot receive any benefit of the proposed one convoy outward. *Propose* 2 yearly convoys and freedom from embargo for single ships. 24 *signatures*. 3 pp. [C.O. 5, 1315. No. 17.]

[? March 8.] **160.** Governor Seymour to the Council of Trade and Plantations. I could not omit my duty by this opportunity of the *Elizabeth* of Liverpool, Edward Ratchdale Master, who has H.M. letter of leave to sayle as he sees fitt with or without convoy, to acknowledge the receipt of the Great Seal [May 3], whereupon I got a competent number of the Council together, and with their advice broke up the old one, and issued a Proclamation to give notice thereof, *etc.* I likewise receiv'd H.M. royal commands of the same date, requiring that I should recommend to the Generall Assembly the passing of an Act for building of towns, ware-houses, wharfs and keys, for the better advantage of trade in this Province, which, being a matter of the greatest consequence, as what I believe will render trade and navigation here farr easier and cheaper, and conduce very much to the shortning the time of the convoys and merchant ships tarrying here, and prevent both men and ships seasoning and being destroy'd in the country by the hott weather and worme, I thought it adviseable to see what stepps were made by our neighbours in Virginia, hoping that the good success it would meet there might be a means to incite the Delegates here more readily to concur therewith, and shall upon their meeting, which is intended very early in the Spring, earnestly recommend it to them, having great hopes of success, especially since we are told Virginia have voted towns and ports. The situation and rivers of this Province would require more towns and ports than only two

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in Puttuxent and Potomack, and one on the Eastern side of the Bay, especially the seat of Government being so high up the Bay. *Refers to letter of July 3, 1705. Acknowledges letters of April 20, 1705.* I have publish'd H.M. most gracious resolve to open a trade with Spain, tho I cannot see how any hence will adventure on that commerce, however beneficial it may be to Jamaica and the Leeward Islands, yet I hope the Act for the importation of naval stores, which I have (together with the Act for prohibiting all commerce with France) caused to be published in all parts of the Province, will meet with a welcome reception, especially in the three lower Counties of the Eastern Shore, being rich lowland, and fittest for that produce, so that the inhabitants will find it their interest to apply themselves to making pitch, tar, etc. But in regard I am caution'd by the Secretary of State, to take care the people be not thereby diverted from making tobacco, I shall be very cautious how we drive too fast, it being my opinion that the Act had better extended duly to the Carolinas, New England, New Hampshire, New York, the Jerseys, Pennsylvania and the three Counties annext, especially the first and last, which are of little or no emolument to the Crown, and that Virginia and Maryland had been left out. Your Lordships will find that H.M. order to transmit constant accounts of the publick stores was comply'd with by the last shipping, and will be so by the next, *etc.* I was commanded by the Secretary of State to give account to the Ordnance-Office of what powder and arms sent hither from thence, and upon enquiry find none since those in Col. Copley's time, which together with the powder were blown up and burnt at St. Mary's in 1694, wherefore we have so acquainted them. I hope, ere this, the several Journals of the Council and Assembly with the Laws revis'd, sent by Col. Quarry, are come to the hands both of your Honble. Board, and the Secretary of State, and will meet your approbation. I must beg leave to lay before your Honble. Board what a great disadvantage this Province lyes under in respect of the time of the Commodore's sailing, which is generally farr later than what is first given out; wee not having any small vessell to advise thereof, a particular instance of which great misfortune we have too lately experienced in Commadore Clements, who upon his arrivall in Virginia, Aug. 13, 1705, wrote me word positively he would sayle within 20 days, and that he could not allow above 48 hours for the distance of our shippes, so that very few from this Province, under the diffidence of the possibility of getting ready by that time, had the opportunity of his convoy: and yet, to the great surprise of all, wee were told that he sayl'd not till Oct. 8, so that for want of being well advised of his resolution, many good ships which might have been ready, had they knowne the time, lost the oppurtunity, and are forc'd to tarry in the country, to the great damage of the owners and merchants-planters, who would have been glad to have sent away their tobacco, whilst good, to pay their debts, but more especiall loss of the Revenue. I hope your Lordships will lay this matter before H.M., in order to be remedy'd, otherwise it will be the

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utter undoing of the inhabitants here, who will be always fore-stall'd in the market at home by the Virginians. I hope your Lordships will think it reasonable to represent wee should have some small vessell here, which may be very necessary on these occasions to prevent illegal trade. I must acquaint your Lordships of a growing mischief many as well as myself seem to foresee in this Province, which is the importation of so many Irish servants, most of which are Papists, and those have an interest already too formidable here, the soyle being in the Lord Baltemore, whose Agents give great encouragement to their seating here, and particularly one Mr. Charles Carroll has imported above 200 of them, with assurance of lands when their servitude expired, and this notwithstanding the imposition laid on them by the Act of Assembly to prevent the growth of Popery by the importation of too great a number of Irish Papists, so that unless something more effectual be ordered by H.M., this Province will by far have too large a share of them, who in some few years may prove dangerous. I have yet further to trouble your Lordships in representing what seems to be the opinions of several of the Courts of Law here (and especially the Provincially, where all criminal matters are handled) that the severall Statutes of England, unless they expressly mention the Plantations, are not in force here; so that for want of a particular Act of Assembly, many criminalls should escape, as in conventicles, rapes, bigamy, Jesuites, and other ffelons. Its true H.M. Royal Commission directs me to govern her subjects here according to the Laws then in force, or which should afterwards be agreed to by the Councill and Generall Assembly. But several have a notion that the Charter of H.M. Royall Grandfather of blessed memory, which grants to the Lord Baltemore to govern according to the Laws to be agreed on here by the Generall Assembly freely elected, is chiefly to be preferr'd, yet it seems absurd, that because the Assembly have not made Laws sufficient to restrayne many villanys, the offenders should be clear thereof, for want of a particular Law of this Province to declare and punish the offence, especially at this time of day, when severall have been executed by those of H.M. Kingdom of England. In 1692 it was enacted that where the Laws of this Province were silent, the Laws of England should take place. And then I am told the Courts seem'd to be at a greater certainty, but that clause being inserted in an Act of Assembly of a differing nature, viz. Religious Worship, and clogg'd with a Declaration that the Great Charter of England should be in all points observed in this Province, did not obtain the Royall Assent, but was dissented to, and never since re-enacted, it having been started how prejudiciall such a Law was to render those of England in force where the Laws of this Province were silent, and urg'd that on the most trifling occasions Habeas Corpora's and Writts of Error would be brought to remove the bodies of the inhabitants to Westminster, but this to reasonable men seems but a meer Buggbear, considering our Act of Assembly preventing appeals to England under the value of 300*l.* sterl., and the defendants' free choice. Others who seem weary of this

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confusion are desirous by Act of Assembly to enumerate what Statutes of England they think reasonable should be in force here. But I shall be very cautious how I meddle with any such Law to give up H.M. Laws of England to the disposall of the Legislators here, until your Lordships are pleas'd to give me your directions what is best to be done in this matter of so great moment. I have formerly acquainted your Lordships that one Capt. Richard Johnson had brought into this Province a French prize called *L'Ortolant*, and now transmitt the proceedings of the Court of Vice-Admiralty here, and condemnation thereof, together with those on the prize *François* of Rochell, taken by Capt. Edward Ratchdale, in the *Elizabeth*. The latter we were fully apprized by H.M. Royal Declaration how it should be disposed of, but as to the former we were a little in the dark, not being fully assured, tho we did believe it to belong to H.R.H. as a Perquisite of the Admiralty, yet hope the Judge's sentence here will be sufficient to answer the end. Your Lordships shall allways have a constant account of all occurrences here, for H.M. service, and if you have at any time, or may think me too long silent, I beg you will not impute it to any neglect of my duty, but consider how seldom and uncertain this present war renders the opportunities of paying my respects to you. *Signed*, Jo. Seymour. *Endorsed*, Recd. June 12, Read July 1, 1706. 6½ pp. *Undated, but referred to Aug. 21st. Enclosed*,

160. i. Proceedings of Court of Vice-Admiralty, Nov. 6, 1705, relating to the *Rochelle* prize. *Endorsed as preceding. Seal of Vice-Admiralty, Maryland. 9 pp.*

160. ii. Proceedings of Court of Vice-Admiralty, Aug. 24, 1704, relating to *L'Ortolan* prize. *Sealed and endorsed as preceding. 4 pp. [C.O. 5, 716. Nos. 14, 14.i., ii.; and (without enclosures) 5, 726. pp. 380-388.]*

March 9. **161.** List of ammuniton, gun-carriages, tools, beds, blankets
Office of sent to Newfoundland March 14, 1705. 7 pp. [C.O. 194, 22.
Ordinance. No. 63.]

March 11. **162.** Lt.-Governor Bennett to the Council of Trade and
Bermuda. Plantations. *Acknowledges letter of Oct. 29.* I doubt not but per packet boat your Lordships have had an account of the transactions of the French in the West Indies more correct than I can give it, therefore shall make noe mention thereof here. This country is att present very sickly, and by calculation more people have died within these 8 months than in five years before, two were Councillors, Col. Walker and Mr. Spofferth. The state of H.M. Council is as followeth. Capt. Richard Penniston, Capt. John Tucker, never would act. Col. Charles Walker, dead. Col. Anthony White, Capt. Tho. Harford, very much afflicted with the gout. Major Michaele Burrows, Mr. Robert White, dead, Capt. Benja. Wainwright, dead. Capt. St. George Tucker, very infirm and much afflicted with the gout. Capt. Benn. Hinson, lives 25 miles from St. Georges and is often missing. Mr. Patrick Downing, very aged and not able to give his

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attendance. Mr. Samll. Spofferth dead. So that there are but 7 Councillors remaining, and most of them infirm, and if they would sitt and do business on the customary days, it would be but seldome 5 of them could attend together. What I would humbly propose is that the 3 undernamed gentlemen might be added to the Council, viz. Capt. Tho. Brooks, H.M. Collector of the Customes, Capt. Tho. Jenour, a considerable merchant, and one of the principal inhabitants, Col. John Trimmingham, Collonel of the troop of Horse Granadeers, a merchant and has a very good estate. By this addition the Queen's nor country's service would be disappointed for want of a Council. A small privateer fitted out from this place (which was the first that went purely on that account) hath lately brought in here a French ship of about 90 tuns, 4 guns and 17 men, loaded with sugar. They met with her in latitude 28, comeing from Martinique and bound to Bordeaux: the condemnation and appraisment of which I will transmitt in my next. In confirmation of the Council's report, relating to the produce of tobacco here, now to my knowledge it is so much lessened, that it is frequently brought from Virginia to supply the inhabitants, and the market price is 9*d.* a lb. Mr. Spofferth (who was auditor of accounts of the Revenue) some time before he died, was soe recovered as to be capable of business, and told me he would proceed on the Treasurer's accounts in Mr. Davis his time and since, but nothing has been done therein. I have them in my custody, and when the Council wil sitt, they shall be by us audited and accordingly transmitted, as also the acct. of stores, which is ready, all but what relates to the Castle, the Capt. whereof has been sick, and not able to give me his accts., but in my next I hope I shall inclose them, and for the future be more regular than I could be hitherto. *Enumerates former letters.* I transmitted Journals of Assembly June 9, 1701—Sept. 8, 1705. They are very long, therefore can't yet get a duplicate from the Clark. I have also ordered the Secretary to prepare transcripts of the Minutes of Council from my arrival. *Signed, Ben. Bennett. Endorsed, Recd. June 24, Read July 2, 1706. Holograph. 4 pp. [C.O. 37, 7. No. 29; and 38, 6. pp. 196-199.]*

March 11. **163.** Same to [? Sir C. Hedges]. *Acknowledges* letters of Bermuda. Nov. 2 and 29 last. Those orders have been complied with, *etc.* I have sent an acct. of stores, and for the future will take what possible care I can to make more regular transmitts. *Repeats part of preceding. Signed, Ben. Bennett. Holograph. 4 pp. [C.O. 37, 26. No. 16.]*

March 12. **164.** Attorney General to the Council of Trade and Plantations. Report on the Acts of the Leeward Islands, 1705. *Enumerated.* (1) I am of opinion that the Act for making Indian Castle a shipping place is not fit to be approved of. A new port may be prejudiciall to H.M. Customs. By 25 Car. II the power of appointing places where goods shall be landed is lodged in the Treasury. (2) I have no objection against the Act for raising

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an impost on strong liquors imported, unless ye clause that no other like impost shall be paid or received doe prejudice any other customs payable for liquors imported there, if any such be, which doth not appear to me. (3) The Act to *settle the Secretary's fees* seems in ye design of it to be reasonable, but the clause that lays 3*l* forfeiture for every time the Secretary takes more yn. the fee established by this Act is unreasonable, the party grieved being to have one half of ye forfeiture on conviction, wch. may be made by one Justice of the Peace on the single oath of the party grieved, by wch. he is enabled to swear for his own benefit. (4) There is the same objection against the Act to *settle ye Marshall's fees*. (5) By the *Act for regulating vestries* there is a power in ye Vestrymen to settle ye fees of ye Minister, Clerk and Sexton, which may deprive the Minister of his just rights, if any such have been before settled on him. And there is a forfeiture on every vestryman yt. doth not appear on every summons to ye Vestry without reasonable excuse such as shall be approved of, and not said by whom, which is defective. (6) The Act to *settle the Militia* is not fit to be approved of, for yt. it leaves ye settling the Militia, their arms, *etc.* to a Court Martiall, and obliges all males wtsoever., except the Councill and Assembly-men, personally to appear at a monthly muster, unless letted by sickness onely under a penalty, and allows the exercising of Martiall Law at ye times of muster and exercising in ye time of Peace, wch. is contrary to ye Law of England. And one of ye Articles of Warr in this Act is, that a soldier blaspheming a second time shall be bored through ye tongue with a red hot iron, wch. may render them useless. (7) By the Act to *settle General Councils and Assemblies etc.*, all the laws and legall customs now in force in each of the Leeward Islands and respecting onely ye circumstances of ye same, are enacted to be and remain in full force and virtue, wch. establishes what I cannot judge of without perusing all ye Laws passed in each of those Islands, and if they are in force, they do not want this confirmation. The power of making Laws in the Genll. Assembly of all the Charibbee Islands being erected by this Law, and such Laws that shall be made being enacted to be binding to all the Islands, it may be questioned whether H.M. approbation be necessary, wch. ought to have been taken care of in this Bill. (8, 9, 10) Three Acts to make other laws, made in ye particular Islands, in force in all the Charibbee Islands, having not seen those Laws, I cannot give any opinion. (11) The Act to *secure the payment of the Ministers' dues*, giving a power to suspend Ministers, and applying the profits of their livings to the use of their respective parishes, and that notice shall be given to ye Bishop of London for his directions; the power of the Bishop should have been explained to be to confirm or anull ye suspension and to restore ye Minister to his living and the profits thereof. But of this Law his Lordship will be best judge. (12) The design of the Act *for supplying ye want of fines, and recoverys and for making deeds duly executed before any of H.M. Justices of ye Court of Common Pleas in England or Ireland or any of these Islands equivalent*

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to fines and recoverys duly levy'd in any H.M. Court; of Record at Westm., is good and necessary, but is somewhat defective in ye penning of it. Details given. (13) By the Act for *preventing tedious and chargeable Lawsuits and for declaring the rights of particular tenants*, the Common Law of England as farr as it stands unaltered by any written Laws of those Islands, or of some of ym., confirmed by H.M. or her Predecessors or by Acts of Parliament in Engld., is made to be of force in each of the Charribbee Islands, and to be ye certain rule, whereby the rights and propertys of H.M. subjects there are and ought to be determined, and that all customs or pretended customs and usages to the contrary are void. So generall an enacting the Common Law of England to be in force in ye Plantations as a certain rule, whereby the rights and propertys of H.M. subjects there are to be determin'd, is not fit to be confirmed, the same intrenching on H.M. Prerogative, which is different in those places from what it is in England, besides it cannot be readily foreseen what is effected by so generall a clause, but it will be fit to have such establishing of ye Common Law of England to be explained by referring to particulars. As to the Acts (14) *for raising a levy*, (15) *ascertaining fees of the justices*, (16) *to prevent accidents of fire through throwing squibs or other fireworks in the towns*, (17) *making the Act of Parliament, allowing the affirmation of Quakers, in force there*, and (18) *obliging Joseph Crisp of St. Kitts to account to Nevis, Antigoa and Mountserrat for sundry goods intrusted him*, I find nothing therein disagreeable to Law or Justice, or prejudiciall to H.M. Royall Prerogative. *Signed*, Edwd. Northey. *Endorsed*, Recd. March 14, Read May 1, 1706. 9½ pp. [C.O. 152, 6. No. 42.]

[March 12.] **165.** Mr. Thurston's estimate of necessaries wanting for the additional 100 men for Newfoundland. *Endorsed*, Recd. Read March 12, 1706. 2 pp. [C.O. 194, 3. No. 127; and 195, 4. pp. 234, 235.]

March 12. **166.** Council of Trade and Plantations to Mr. Secretary Whitehall. Hedges. The Chief Fort and the South Battery can receive the 200 soldiers necessary to defend St. Johns. Bedding, bricks and materials for building chimneys for the officers, boards, *etc.* will be needed. The men ought to have good clothing, with an addition of surtouts for that cold climate, and 20 watch-coats for the centinels upon duty. Victuals, money for subsistance and coals as ballast by the sack ships should be sent, *etc.* [C.O. 195, 4. pp. 236-238.]

March 12. **167.** President, Council and Assembly of Nevis to the Council of Trade and Plantations. By the enclosed relation of the proceedings of the French fleet and Petition to H.M., your Lordships may easily perceive the imminent danger we were in, how it pleased God to deliver us, and what apprehensions we are still under of ye sudden returne of our enemy againe upon us. The hopes we conceive of your Lordships' countenancing

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our Petition and H.M. gracious compliance with the same, are, however, great supports to us in ye condition we are in. Your Lordships very well knowes we have a potent enemy to deale with that neglect no opportunity to effect their designs, and theire intentions at this time where wholly at first against us whom the[y] threatn'd to plunder, burn and destroy. As our wants are great, having spent most of our powder and shott of all sorts, so the danger we are yet threatned with, presses hard for a speedy supply, for should it come too late, and we be attacqued in ye meane time may perhaps be of fatall consequence. Therefore we presume to putt ourselves under your Lordships' patronage, most humbly begging your assistance with a favourable representation of our case to H.M. that soe we may obtaine what we petition for, and that ye said gunns and stores may be speedily sent us while we are yet a people, and then by the help of God we doubt not but to defend and keep this H.M. Island against all her enemies, *etc.* *P.S.*—We are heartily sorry that we are forced to take notice to your Lordships that ye 500 musketts sent us some time since out of ye Tower proved so bad when we came to use them that not above one in foure were fit for service, which was a great disappointment to us at that time. We further crave leave to represent how very weake some of ye Companies of H.M. Regiment are, (two of which are onely upon this Island) having had few recruits from England since they were in these parts, and those Companies yt. are full are kept soe by reason of ye officers inlisting the poore men of this Island and our servants as theire time expires, which we conceive to be a great detriment to us, and therefore we beseech your Lordships that no more may be here inlisted. *Signed*, Wm. Burt, Peter Belman, Speaker, John Ward, Tho. Goare, Saml. Gardner, Tho. Bridgwater, Wm. Child, James Burdue, Samuel Browne, John Richardson, Wornell Hunt, Joseph Symonds, Richd. Abbott, Wm. Buttler, Jas. Bevon, Aza. Pinney, P. Andrews, Thomas Butler. *Endorsed*, Recd. 21st, Read May 22nd, 1706. 3 *pp.* *Enclosed*,

167. i. President, Council and Assembly of Nevis to the Queen. We have escaped a most dangerous invasion, *etc.* We were much lett and hindered, by reason the guns in all out Forts are too small, the enemy throwing at us shott that weighed 22, 24 and 26 lb., when we could fire but 9 and 6 pounders, having not above 3 or 4 guns in all the Island that carry a larger ball. *Pray* H.M. to send them twelve 24 pounders, twelve 18 pounders and twelve 12 pounders and 12 nine pounders with carriages and 100 barrels of powder and shot in proportion for each gun. Also six small field pieces, 4 pounders, with carriages and harness, *etc.* *Signed and endorsed as preceding.* 4 *pp.*
167. ii. Journal of proceedings of the French at Nevis and St. Kitts. About Christmas we received news of an intended attack. The Council and Assembly was called and one negro out of every 30 was ordered to repair the

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breastworkes, trenches and fortifications. The Militia was prepared. About the middle of January a privateer sloop Capt. Christopher Akers, sent out for news, reported several of the enemy's fleet off Dominico, and Jan. 27 another sloop reported them off Guardaloupe. For some days we were in doubt as to whether this fleet might not be the convoy fleet from the Northward for Barbados. But on Feb. 5 they were seen standing down towards us, and alarm guns were fired twice round the Island. *Enumerate fleet as in following*—5 large ships of war, 2 small frigates, 5 brigantines and 19 sloops. They kept without gunshot of our forts, and came that evening to an anchor against the Old Road Fort neare a league from the shore. This evening about 8 the *Medway* prize weighed with design to go to Antigua, but was followed too close by a 60 gun ship of the enemys, which sayled two foot for her one, that she had been taken, had she not beene within reach of the guns of Pelican Point Fort, who fired soe briskly at the French ship that she was forced to beare away, by which meanes the Queen's ship tack'd about and soe got safe into the Road againe. *Feb. 6.* They took great numbers of men into small boates, as if they intended to attack us, but the wind blowing very fresh and farr northwardly occasioned a greate cockling sea and a high surfe on shoare, and the greate readiness they observed all along our trenches, as also the several forts being soe neare one the other, that let them land where they would, they must be exposed to the shott of two Batterys at once, they desisted, *etc.* This gave us time to put things in better order. By the greate resolution and cheareful willingness of everybody, as well souldjers as officers, being all as one man (the very negroes not excepted), but more especially by the greate care, conduct, and indefatigable industry of Col. Richard Abbott, who commanded the Island, things were brought to that pass by Thursday (7th), that wee noe ways doubted but to beate the enemy off, should they attempt to land. That night the enemy sounded in their boates the water all along the Greate Bay from Black Rock to Coles Point, still keeping without gun-shott. This day Capt. Akers came in from Antigua, having been chased into Antigua by two of the enemy's sloopes, which he fought 3 hours before he could get cleare of them, two other of the enemy's sloopes endeavoured againe to take him, but Akers kept close along shoare under our gunns, and after a greate many shott were exchanged and little or noe damage done on either side, he got in safe. He brought letters from the Commander in Chief that he was coming to our assistance with men of war from Barbados *etc.* Akers was sent back to Antigua with answers next day. *Feb. 8,*

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about breake of day, the enemy with two ships of warr came within shott and fired their broadsides against the forts and trenches between the Old Road Fort and the Fort at Coles Point. Wee having lately made a new Fort at the Cotton Tree, in the midway betweene the two former, all which three Forts kept constantly firing at them, and was believed and since confirmed by some deserters, did them considerable dammage in their hulls and rigging (and as is credibly reported, killed their Vice-Admirall and 8 men) but thanks be to God, wee recd. noe loss at all. A French man and a negro were privately landed in the night in a small bay S. of Long Point, which sett the canes on fire at Dobin's Plantation, and the next two nights at Holmes' and Walker's Plantations, but was put out againe without any greate dammage; this was to be the signall for the enemy to land, and they had 1,100 ready in their boates to have landed this morning durement the said action and signall, but they did not attempt it. *Feb. 9.* They lay very still, only severall of their small craft went to and againe between St. Christophers about Buggs Hole and the moreings. In the night one or two of their men of warr, and some sloopes came within shott of our gunns, and wee fired at them from Johnson's Fort, Black Rock Fort and Pellican Point Fort, and placed 9 shott in the hull of one of them, four betweene wind and water, which caused her to toe of with her boates; what their designe was, wee know not, unless to see whether it was possible for them to cutt or burne H.M.S. *Medway* prize, and the merchant ships that were in the Road (but they found it would be too hott service for them and soe desisted, tho their boates were maimed all the time). *Feb. 10.* They continued all day very quietly in their old station. *Feb. 11.* This morning the Enemy were weighed and gon from us to St. Christophers. Capt. Akers and another sloop came from Antigua with 40 of the Queen's soldiers. He was chased in by a French man of warr and a sloop that cruised to windward. *Feb. 12.* Two deserters gave us an account of the dammages done by the enemy and of their strength, which, as they affirmed, was 1,800 land souldjers from Old France and 800 from Martinico and Guadaloupe; that they actually landed 2,500 effective men at St. Christophers, and that their main designe and first intentions was against Nevis. *Feb. 14.* The French man and negro were tried by a Court Martiall, found guilty of being spies and setting the canes on fire, and executed. *Feb. 17.* The Enemy left St. Christophers and sailed away to windward, *etc.* Wee attended their motion all that day along our coasts still firing at them when ever any of their vessells came within reach of any of our forts, till they were quite out

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of sight, and soe thanks be to God, wee got ridd of a troublesome and dangerous enemy. *Feb.* 26. This day wee sett apart to returne thanks to Almighty God for this greate deliverance. *Feb.* 23. Our Commander-in-chief came from Antigua with the *Greyhound* and the two men of warr from Barbadoes, but noe merchant shippes of force as was promised, stayed 2 days, then went to St. Christophers, and after that up to Antigua again. Account of Forts lately built and charge thereof, *etc.* About 14,000*l.* *Signed,* Geo. Cheret, Sec. and Clerk of Council. Solomon Israel, Clerk to the Assembly. *Endorsed as preceding.* 10½ pp. [*C.O.* 152, 6. *Nos.* 45, 45.i., ii. ; and (without enclosures) 153, 9. pp. 356-359.]

March 13.
Antigoa.

168. Lt.-Governor Johnson to the Council of Trade and Plantations. In my last I acquainted your Lordships of a French fleete I had intelligence of by way of St. Thomas, which is now in some measure verified, for the 4th ultimo there appear'd betweene this Island and Montseratt 7 shippes of warr, and 23 brigandines and sloopes, which insulted our coast, endeavouring to cling the shoare, but the wind blowing very hard northerly the shippes were beaten off, while severall of the small craft got under the land, sounding our bays and harbours. The 5th about noone the signall was given for the small vessells under our shoare to fall down to leeward, the shippes not being able to turne up, and then all boare away directly for Nevies, where they anchor'd in the evening before ye towne, and tho the enemy during their stay there, had at one time 1,000 men in their botes to land, yet being inform'd I had throwne in forces on the back of the Island from Antigua, which was really soe, and perceiving the roughness of the fortes, plattformes and trenches, which were observ'd to be well lin'd, 'twas thought adviseable to remand them on board. Before that place was 5 dayes spent without any reall action, more than the exchanging great shott daily betweene the fortes and the enemy's shippes, with some dammage on their side, but none on ours. The 10th at night the whole fleete weigh'd anchor and sayled for St. Christophers, where the 11th they landed 2,300 men in three severall places, which notwithstanding the disposition of the forces (being between 600 and 700 men) made by the Lieut. Governor, together with his good conduct otherwise, gave the inhabitants such an amuzement, as the Enemy thereby without little or noe bloodshedd, on either side, soone became Masters of the Island, except ye Fort and Brimstone Hill, to which some of our forces retir'd. On the Fleete's going to St. Kitts, that Island was soe guarded by the enemy, that 'twas out of my power for want of a cover to land a number of Forces from any other Islands to their assistance, the *Greyhound* being then on the carine here and the *Medwayes* prize block'd up by the Enemy at Nevies, for the destruction of which, and the merchants shippes there, a small fire vessell was fitted, tho' the project not putt in execution. Immediately on the Fleetes

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parting from our coast to Leeward, I dispatched two good sayling sloopes to Barbados as expresses to Sir B. Granville for the assistance of the two frigatts attending that government, which was readiely and chearfully granted; I also twice solicited the help of the *Deptford*, Capt. Stuckley, ariv'd there a convey from New England with a Fleete bound for Salt-Tartudoes, which tho' ye safety of H.M. Leeward Islands in great measure depended thereon, as I at large sett forth to him, he could not be prevail'd upon; as your Lordships may perceive for the reasons given boath by Sir Bevill and him in their letters to me, which have herewith sent. Monsieur Chevaniack, who commanded the French Fleete, after being at St. Kitts 7 dayes, burning great part of the canes, houses, workes; destroying a great number of horses and cattle, and taking off about 300 negroes, precipitately embarqu'd his Forces at midnight, and tooke his departure thence Feb. 18, with the whole fleete for Martinica, in great disorder, having 3,500 men on board, of which 1,500 were privateeres of the French Islands. The surprize of the Enemy at their leaving the place was so great that they left store of plunder as coppers, mill-workes, etc. at sea side, not affording themselves time to carry it off; the true reason of which I am as yet at a loss to learn, except occasion'd by some account they had themselves of a Force coming against them directly from Europe; or that it was caus'd by a letter of mine to the Governor of St. Kitts, which was intercepted by the Enemy the afternoone before their embarquing in which I assur'd the Lieut. Governor he might depend on being sudenly reliev'd by the two men of warr attending this Government, the three Frigatts from Barbados, and a number of vessells and menn from this Island and Montserrat, ready to joyne the Frigatts on their arrivall. Immediately on the arrivall of the two Frigatts from Barbados I joyn'd them with the *Greyhound* and what Force was ready here, and putt to sea in person, with intent to give our Friends the best assistance I could; but spying a Fleete of small vessells plying to the Southerd of Montserrat, which wee suppos'd to be some of the enemyes in their returne home, and which prov'd soe, went in pursuite of them, but they having the start of us, and the windward gage, had the good fortune to gaine their port before could cutt them off the shoare. Since the returne of the Frigatts from that attempt, so well as before, noe endeavors have beene wanting in the inhabitants of the severall Islands (those of St. Kitts excepted, being an unsettled sort of people) to putt themselves into the best posture can be expected; and are at this time vigorously carrying on their trenches, breast-workes, and other fortifications, even to the loss almost of their present cropps, which are very promising. Sloopes well man'd are constantly kept out, at the publick expence of the Islands, to observe the enemyes motion; and noe charge is scrupled at present for the common security, in hopes some effectuall care will be taken in order to their preservation in the future. The intollerable pressures boath on the persons and interests of the inhabitants, by the little that's made of the one, and the constant fateague

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and hazard of the other by frequent allarmes and continuall guarding ; together with the vast taxes unavoidable in this time of warr, causes so great a discouragement to traders as well as themselves, that 'tis fear'd the event will prove very dismall ; for all the endeavors these willing people can use will availe little to their safety for want of sufficient numbers on shoare, or an agreeable force at sea ; which consideration has already oblidg'd maney to think of quitting their settlements. The whole Fleete now remaines at Martinica, where wee have repeated advices there is daily expected Monsieur Eberville to joyne them with a squadron of 8 men of warr and 2,000 land-forces, with a design to make a generall attack on these Islands. The enemyes shippes now here, by the advice wee have, sneak'd from France one after another, and were a month at Tobago, where they mett together before the inhabitants of the French Islands (except the Generall at Martinica and a few more) were anywayes appriz'd of them ; and after such secret methods their Fleetes are form'd abroad, the better to surprize us in their undertakings, when the Court of England can scarce possibly have any timely intelligence of it. On the whole matter (I am sorry there is too much reason to assert it to your Lordshipps) except three good sayling Frigatts do constantly attend this Government, the like number Barbados, and those in the Northern Collonies in the winter, when they can be no wayes serviceable there, be also appointed to cruize among the Islands, they will be subject to continuall insults, if not in a short time to downeright ruine, for I do assure your Lordshipps, that during the present warr, practices of this kind have beene soe frequently repeated by the French, being also powerfull in privateeres, that all men's interests within this government are thereby render'd soe very precarious and their persons soe continually fateagued and harass'd that unless some meanes by way of prevention be speedily found and putt in practice, 'tis with a great deale of trouble and concern I give your Lordshipps to understand these promising Collonies will be soon deserted, to the great prejudice of navigation in perticular, and the interest of the Nation in generall, if not in the end prove soe fatall a catastrophe, as to cause one of the fairest Jewells to dropp from the Crowne. I feare I have beene too tedious, but the readierly hope for your Lordpps.' pardon considering the subject matter relates to the publick welfare ; for which cause I have been forward to be perticular ; that as well the by-past as present circumstance of these Leeward Islands may be boath timely and justly lay'd before H.M., etc. This goes by an express to overtake the *Prince George* packett, which I misst coming here from St. Kitts, what letters I have from your Lorppps. by her as yet I know not, nor can I (if any) soe timely as to give an answer by this opportunity. A list of the French ships which lay before Nevies and St. Christophers :— *Gunns*.

<i>Le Glorieux</i>	72	M. Chevaniach (<i>de Chavagnac</i>).
<i>Le Brillian</i>	72	M. Count Swizell (<i>le Comte de Choisseuls</i>).

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Gunns.

L' <i>Apollo</i>	60	
The <i>Frances</i> [or <i>La Fidèle</i>] ..	58	M. Gaberett.
The <i>Carvett</i>	44	M. Dunstree [or <i>Darshie</i>].
The <i>Nephthion</i>	20	[? <i>Nymphe</i> or <i>Neptune</i>].

A great hospitall shipp, what force I know not. *Signed*, Jon. Johnson.

P.S.—Subscribed is a list of the present Councill of this Island all which if I mistake not are already appointed or approved of by H.M., except the last three, which I have some time past nominated and sworne, being men of very considerable fortunes, knowne worth and integrity. I was in a manner oblidg'd to fill up the number, especially in these times of danger, most persons of ability being under a necessity of taking several employments on them for the publick security, by which meanes the Gentlemen of the Councill acting in a double or threefold capacity, it has often proved difficult to gett together a sufficient number to consult for the common good. If your Lordpps. were throwly senceible what a handfull of people wee are, this is not to be admir'd. I hope and desire therefore your Lordpps. will think it reasonable to gaine H.M. approbation of them; being also gentlemen of the best characters and fittest capacities here to serve in that station. Counsellors' names: John Yeamans, Christopher Codrington, Rowland Williams, John Hamilton, Edward Byam, William Codrington, Henry Lyons, Barry Tankerd, Thomas Morriss, George Gamble, John Luice Blackman, Daniell Mckinnen. *Signed*, Jon. Johnson. *Endorsed*, Recd. 21st, Read May 22nd, 1706. 3½ *large pp.* [C.O. 152, 6. No. 44; and 153, 9. *pp.* 345–356.]

March 13. **169.** Same to Mr. Sec. Hedges. *Repeats preceding, adding* :—The C. in C.'s packetts being in the Nevis maile, when he is in this Island or Montserratt, instead of being timely delivered, is carry'd from him, by which meanes, if they be not for the future putt in a bagg by themselves, may prove of fatall consequence, being afterward subject to be taken by the enemy in the transportation from one Island to another; besides their coming too late to be answered, if gett safe to hand. *Signed*, Jon. Johnson. *Endorsed*, R. May 21. 4 *large pp.* [C.O. 184, 1. No. 5; and 7, 1. No. 8.]

March 13. **170.** Col. Abbott to Mr. Sec. Hedges. Gives acct. of French attack *as supra*, petitions for big guns, etc. *Signed*, Rich. Abbott. *Endorsed*, R. May 21. *Holograph.* 2 *pp.* [C.O. 184, 1. No. 4.]

March 13. **171.** Lt. Governor Johnson to the Council of Trade and Antigua. Plantations. *Encloses following.* *Signed*, Jon. Johnson. *Endorsed*, Recd. May 21, Read May 27, 1706. 1 *p.*

171. i. Certificate that Lt. Gov. Johnson has not received any present from the Council and Assembly of Antigua. Jan. 4, 1705[6]. *Signed*, Tho. Kerby, Sec. and Clk. Councill; Francis Rogers, Clk. Assembly. *Endorsed as preceding.* ½ *p.*

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171. ii. Similar certificate from Nevis. March 13, 1705. *Signed*, Geo. Cheret, Sec. and Clk. Councill; Solomon Israel, Clk. to the Assembly. $\frac{3}{4}$ p.
171. iii. Certificate that Lt. Governor Johnson has not received any sum out of the $4\frac{1}{2}$ p.c. at Nevis, March 12, 1705(6). *Signed*, P. Andrews, Commissr. $\frac{1}{4}$ p.
171. iv. Similar certificate as to Antigua. Jan. 4, 1705(6). *Signed*, Edw. Perrie, Commissioner. $\frac{1}{2}$ p.
171. v. Account of Ordnance Stores in Nevis. *Signed*, Tho. Woodman, gunner. $2\frac{1}{2}$ pp.
171. vi. List of Ships entered and cleared at Nevis, July 12—Sept. 29, 1705. To England:—16 ships carrying 1,840 hhds., 1,332 tierces, $133\frac{1}{2}$ barrels of sugar, and 3 barrels of indico. To the Plantations:—2 ships carrying 2 hhds., 28 tierces, 8 barrels of sugar; 7 hhds., 41 tierces, 3 barls. mellossoes; 38 bags of cotton. *Endorsed*, Recd. May 21, 1706. $\frac{1}{2}$ p.
171. vii. Ships entered and cleared at Nevis, Sept. 29—Dec. 25, 1705. To England:—2 ships, 13 hhds., 96 tierces, 24 barrels, sugar; 5 hhds. Lime juice. To the Plantations:—1 ship, $5\frac{1}{2}$ barrels of sugar; 1 tierce of molossoes, 3 barrels of indigo. *Endorsed as preceding*. $\frac{1}{2}$ p.
171. viii. Deputy Secretary of Nevis to the Council of Trade and Plantations. Nevis, March 14, 1705. *Sends these enclosures*. This day came in Capt. Akers, who gives an account that the French fleet is still at Martinique. *Signed*, Geo. Cheret. *Endorsed*, Recd. May 21, Read May 27, 1706. 1 p.
171. ix. Account of the Ordnance Stores in Antigua. *Endorsed*, Recd. May 21, 1706. 5 pp. pasted in a strip.
171. x., xi. Account of Warlike Stores received and delivered in Antigua, June, 1705. *Signed*, Thomas Long, Commissary, Dec. 10, 1705. *Endorsed as preceding*. 2 long strips.
171. xii. Account of gunpowder received from tonnage of vessels, and of the quantity delivered out, in the Leeward Islands, March 14, 1700—Nov. 23, 1705. *Signed and endorsed as preceding*. 19 large pp. [C.O. 152, 6. Nos. 49, 49.i-xii.; and (with covering letter and No. viii only) 153, 9. pp. 365–370.]

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Whitehall.

172. Council of Trade and Plantations to Mr. Secretary Hedges. *In reply to Feb. 28.* We have considered the petition of George Ritter of Berne, for the settlement of a Colony of Switzers in America, and are of opinion that such a Colony might be settled most properly in Jamaica, there being large tracts not taken up or inhabited in that Island, but in case they should not like that climate, they may be either sent to settle upon Hudson's River in the Province of New York, where they may be usefull to England in the production of Navall Stores, etc., or on James River in Virginia, there being no other places as we are informed upon the navigable Rivers in that Province, but

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such as are already taken up ; the soyl near this River is generally proper for the produce of Indian corn, which they may sow and furnish to their neighbours which lye lower on the same River, and some parts of it being proper for the planting of Tobacco. We have no objection to the demands in the petition, except to the 6th article, wherein they pray to be exempted from all customes or dutys for the first ten years, which cannot be allow'd, those duties being charg'd by Acts of Parliament here, or Acts of Assembly in the Plantations ; And as for the charge of their transportation from Rotterdam to Virginia, it may be done for 8*l.* per head. But before any final determination be taken herein, we think it necessary that some Agent be sent from the said Switzers to England, to settle matters here, and that he, or some other person, be first sent by one of H.M. ships of war to Jamaica, New York or Virginia, as any of these places be judged preferable, with letters to H.M. Governors and Officers there, and such instructions as may best conduce to the future reception of the said Colony. *Autograph signatures.* 3 pp. [C.O. 5, 3. No. 28 ; and 5, 1291. pp. 345-348.]

[March 14.] **173.** (1) Affidavit of Elizabeth Bunker that Lt. Moody caused Christian, Mr. Jackson's servant, to be so severely whipped at St. Johns that she died, *etc.* Eliz. Bunker, her mark. St. Johns, Nov. 15, 1705. 1½ pp. [C.O. 194, 3. No. 130.]

[March 14.] **174.** (2) Similar affidavit of J. Huxford. *Adds* :—In Nov., 1704, Lt. Moody held a consultation about a watch which he would have in Fort William only, and not in the Harbour, which occasioned great heats and disputes. *Signed*, John Huxford. St. Johns, Nov. 19, 1705. ½ p. [C.O. 194, 3. No. 131.]

[March 14.] **175.** (3) Affidavit of Susannah, wife of John Marshall. Christian's back, after her death, was black with stripes. St. Johns, Nov. 15, 1705. ½ p. [C.O. 194, 3. No. 132.]

[March 14.] **176.** (4) Affidavit of J. Bradbury, Gunner of Fort William. After the enemy was gone, Lt. Moody suffered his soldiers to plunder what was left of the inhabitants' goods, divided them or sold them back to their owners. The enemy made no attack on the Fort, and Lt. Moody would not allow him to cannonade them or the General's quarters, *etc.* *Signed*, John Bradbury. St. Johns, Nov. 19, 1705. 2 pp. [C.O. 194, 3. No. 133.]

[March 14.] **177.** (5) Affidavit of J. Huxford, Master-Gunner. *Confirms preceding.* *Signed*, John Huxford. St. Johns, Nov. 19, 1705. 1 p. [C.O. 194, 3. No. 133.A.]

[March 14.] **178.** (6) Affidavit of John Jones, soldier. Sergt. Broomfeild shewed him goods plundered from the inhabitants, and upbraided him because those at the South Castle, under Capt. Robt. Latham, had done nothing. *Signed*, John Jones. St. Johns, Nov. 17, 1705. ½ p. [C.O. 194, 3. No. 134.]

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- [March 14.] **179.** (7) Affidavit by 4 soldiers. During the siege the soldiers did not have more provisions than is allowed by the Queen. As soon as the French had left, Lt. Moody sent 12 soldiers under Sergt. James Broomfeild, to plunder the inhabitants, *etc.* *Signed*, Henry Jefferys, Archibald Taylour, (*mark*), John Barnes (*mark*), Joseph Violet. St. Johns, Nov. 17, 1705. $\frac{3}{4}$ p. [C.O. 194, 3. No. 135.]
- [March 14.] **180.** (8) Affidavit of A. Taylour. Describes how he gave the alarm on the morning of Jan. 21, 1704 $\frac{1}{2}$. The major part of the soldiers were drunk the night before, and the sentinells that should be on the ramparts was walking within the gate. *Signed*, Archibald Taylour (*mark*). St. Johns, Nov. 19, 1705. $\frac{3}{4}$ p. [C.O. 194, 3. No. 136.]
- [March 14.] **181.** (9) Affidavit of Elias Hoare, an inhabitant of St. Johns, as to his house being plundered by the souldiers 2 days after the French had gone. Nov. 9, 1705. $\frac{1}{2}$ p. [C.O. 194, 3. No. 137.]
- [March 14.] **182.** (10) Affidavit of several inhabitants of St. Johns that Lt. Moody compelled them to pay exorbitant prices for the provisions supplied to their wives and children who were sent into the Fort by M. Subercasse. Sworn in St. Johns, Nov. 17, 1705, before Henry Hayman, Adml., and Peter Crapp, Rear Admiral, who also certify to the receipts, signed by Lt. Moody, for said payments. 1 p. [C.O. 194, 3. No. 138.]
- [March 14.] **183.** (11) Account of payments to Lt. Moody, *as in preceding* by Henry Boys, Wm. Roberts, Sarah Spark, David Sheppard, William Clark, Sampson Jobe, Wm. Wane, John Adams, Jono. Drew, Henry Gray, Hen. Studley, Gilbert Jeane, Jno. Mursey, Wm. Penfrase, Eliz. Curtis, Jono. Cock, Jno. Marshall, Toby Neales, Jno. Burton, Ant. White, Rich. Cole, Jno. Collin, Tho. Greacy, Walter Short, Jeffrey Lang, Richd. Sampson. 1 p. [C.O. 194, 3. No. 139.]
- [March 14.] **184.** (12) Affidavit of John Furlong that he bought of John Small provisions owned by Lt. Moody. The casks were marked with the Queen's arrow. *Signed*, John Furlong. St. Johns, Nov. 17, 1705. *Copy.* $\frac{3}{4}$ p. [C.O. 194, 3. No. 140.]
- [March 14.] **185.** (13) Affidavit of Aaron Cocke and Clement Vickery that they helped to remove some provisions marked with the broad arrow from the Fort to the house of Mr. Collin Campbell, and frequently saw this done. *Signed*, Aron Cocke, Clemt. Vickery (*mark*). St. Johns, Nov. 16, 1705. $\frac{3}{4}$ p. [C.O. 194, 3. No. 141.]
- [March 14.] **186.** (14) Affidavits of Francis Pearse and Wm. Ware that they bought provisions from Capt. Moody. W. Ware's bond to Capt. Moody for 4*l*. St. Johns, April 25, 1705. 1 $\frac{1}{2}$ pp. [C.O. 194, 3. Nos. 141.i., ii.]

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[March 14.] **187.** (15) Affidavit of H. Hayman, jr., that he bought 200 quintals of fish of Lt. Moody for 115*l.* ster*l.* *Signed*, Hen. Hayman, jr. St. Johns, Nov. 15, 1705. *Endorsed*, Recd. Read March 14, 170*½*. $\frac{1}{2}$ p. [C.O. 194, 3. No. 142.]

[March 14.] **188.** Commanders of ships trading to Newfoundland to the Queen. St. Johns, Nov. 17, 1705. Return thanks for relieving the *Garison* with new troops and Major Lloyd. *See* March 29. 28 *signatures*. *Endorsed*, Recd. from Mr. Sec. Hedges' Office, Read March 14, 170*½*. 1 p. [C.O. 194, 3. No. 128.]

March 14. **189.** Similar address from the inhabitants of St. Johns. *Signed*, John Furlong, Wm. Robarts, John Collet, Rich. Lanley (*mark*), Thomas Fourd, Sam. Workham, Richard Willson, John Clay, Rob. Cook, Abraham Ash, John Lee, Adam Shillaby, Wm. Tapley, Wm. Collons, Thomas Fanson, James Smith, Christopher Potter, Nicholas Counett, Peetter Coumbs, Thomas Squary, John Eferd, Josep Allen, Learene Lunge, John Coull, John Naites, Thomas Mantell, Abraham Barret, John Collins. *See* March 29. *Endorsed as preceding*. 1 p. [C.O. 194, 3. No. 129.]

March 14. **190.** John Linton to the Council of Trade and Plantations. A survey of the Continental tobacco-trade. *Endorsed*, Recd. Read March 15, 170*½*. 3 pp. [C.O. 5, 1315. No. 16; and 5, 1362. pp. 14-19.]

March 14. **191.** Council of Trade and Plantations to Mr. Secretary Whitehall. Hedges. Enclose draught of Declaration for settling a Militia to be published by the Commodore at Newfoundland. *Similar to that of July 13, 1705. See April 11, 1706.* We desire to know H.M. pleasure relating to the part the Commodore is to have in reference to the forts and garison. [See Feb. 25.] *Autograph signatures*. 1*½* pp. *Enclosed*,

191. i. Two drafts of Declaration *referred to in preceding*. 1*½* pp. [C.O. 194, 22. Nos. 64, 64.i., ii.; and (*without enclosure*) 195, 4. pp. 240-243.]

March 15. **192.** Mr. Merrett to W. Popple. It was with regret I delivered this day the severall affidavits [*? March 14*], which I desired to have kept, had not Mr. Moody and Mr. Jackson continued their endeavour to prejudice a gentleman who is not here to answer for himselfe, and who hath been so unfortunate as to have all his letters to miscarry. The Parson's paper is malicious. He is to be pitied as his nature is to make himselfe and others uneasy. *Encloses following*, which I have had by me some time. I beg you to interceed with their Lordships, that this Paper may be made no other use of then for their Lordships' speculation. *Signed*, Solomon Merrett. *Endorsed*, Recd. Read March 15, 170*½*. *Addressed. Sealed*. 1 p. *Enclosed*,

Crotchett
Fryers.

192. i. Inhabitants of Newfoundland to the Lord Bishop of London. Dr. Jackson's way of living and communication with all men did instead of hindering vice and

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correcting ill manners, rather increase it, *etc.* *Return* thanks for removing him and sending the Rev. Jacob Rice. St. Johns, Nov. 17, 1705. *Signed*, Hen. Hayman, jr., Saml. Hayman, Vice Adml., Peter Crapp, Sr., Arthur Holdsworth, Gideon Andrews, Hen. Peardon, Abra. Passmore, Robt. Holdsworth, John Davis, Hen. Studly, Wm. Pyne, Edw. Elson, Wm. Wade, Philip Cockrem, Tho. Cawley, Mich. Martin, Jno. Grigg, Jos. Parsons, Cha. Lavens, Hen. Tayler. *Endorsed as preceding.* 1 p. [C.O. 194, 3. Nos. 143, 143.i.]

March 15. **193.** W. Popple, jr., to the Commissioners for Exchange of Prisoners. *Encloses* Memorial relating to the prisoners taken by the French the last winter at Newfoundland. [C.O. 195, 4. p. 243.]

March 15. **194.** Mr. Roope to the Council of Trade and Plantations. Mr. George Sciffinton, lately come from Newfoundland, sayeth there are 30 or 40 prisoners in Plasentia yt. have taken service as soldiers or servants in the fishery ; about 20 are sent to Quebeque some given to the Indians, some M. Subercass keepeth in his house for his own service. Mr. Sciffinton was carried to Plasentia under pretence [of] the contribution agreed on for saving ye houses at Buena Vista ; under ye same pretence they committed several barbaritys in Trinity Bay, killing 9 men there, calling them out one by one of ye house yt. they were kept in, and killing them as they came out ; at Buena Vista they killed 9 men and 2 children. He names as prisoners, Arthur Jeffrys, John Dicker, Thomas Thorpe, Peter Wiles, Nicholas Goodwin at Plasentia ; Robert Duffett, Nicholas Plomby, a smith, carried to Quebeque. *Endorsed*, Reed. Read March 15, 1706. *In Mr. Roope's handwriting.* 1 p. [C.O. 194, 3. No. 144.]

March 15. **195.** Lt. Governor Hamilton to the Council of Trade and Plantations. *Encloses following*, praying your Lordships to beleve that I did what was possible to be done for H.M. service, the Assembly would doe nothing for the preservation of the Island, nay, were soe infatuated that they would not beleve there was any such thing as three French men of warr in the French Islands, and much less any designe to attack any of her Majestie's an hour before the enemy's fleet appeared. Had the people throwne up such trenches as I press'd them to doe, and the Windward and Basseterre officers done theire duty, I might have hoped (at least) to have preserved from Godding Gutt to Brimstoane Hill, with Sandy-Poynt Towne and division, from being destroyed by the enemy. *Signed*, W. Hamilton. *Endorsed*, Reed. (from Mr. Tryon) Read May 27, 1706. *Addressed. Holograph.* 1 p. *Enclosed*,

195. i. Lt. Governor Hamilton's Journal of proceedings in St. Kitts, Jan. 27—Feb. 25, 1706. *Jan. 27.* Hearing the allarm at Nevis, I ordered it to be made here.

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Jan. 28. I received a letter from Capt. Akars that he had sighted French ships etc. [see March 12]. *Jan. 29.* I ordered the Windward Forces to encamp on Cayonne Hill. *Jan. 30.* I sent out the sloop *Mayflower*, Capt. John Gurley, for intelligence. *Jan. 31.* I ordered Capt. John Davis to send 4 Windward troopers to Friggat Bay, and upon appearance of the enemy 2 to go to Basseterre and 2 to Cayon Hills. Letters from Col. Abbot *etc.*, Nevis, that the ships seen by Akers were New England men. *Feb. 3.* Capt. Gurley returned having sighted the French fleet off Guardeloupe. I wrote to warn Nevis, and to Montserrat, whence Capt. Gurley returned with news of the French fleet. Lt. Governor Hodges was marched with greatest part of the forces to Carrs Bay, near to which they had attempted to land. I sent this intelligence to Nevis, desiring them, if attackt, to advise me by a canow and I would give them all the assistance in my power. The same day Col. Abbott advised me that 11 sayle were seen from Nevis. *Feb. 4.* I ordered the Windward forces to the Jesuites Colledge near to Basseterre. About 3 p.m. the French Fleet came round Nevis Point and stood in between that Island and this. I marched to Palmeta Point Frontier, and wrote to Lt. Governor Johnson and sent Mr. Cunynghame to the Old Road to dispatch Capt. Gurley with my letter for Antigua. I called the Officers together, being Col. Michael Lambert, Col. John Garnett, Major John Panton, Major Will. Wooddrop, Capt. Edward Gillard, Lieut. Will. Stephens, Lieut. Isaac Jolly, Lieut. Edward Gillard, Cornett Soulegre, Ensign John Gillard, and it was agreed to post the Queen's troops in Charles Fort and upon Brimston Hill, Lt. Col. Step. Payne, Capt. Ja. Biskett, Capt. Fra. Phipps' Companies, 10 men of Col. Garnet and 10 of Major Panton's, with half the troop to be posted near to Col. Lambert's smith shop. The remainder to be posted near Palmeta Point Frontier. Capt. Wm. Kitt, Capt. Chr. Stoddard's and the two Windward companies and troopers of Basseterre Quarter to be posted in Basseterre Town. Guards and patrols ordered. *Feb. 6.* At a Council of War it was ordered that, whereas a French sloop was this morning at anchor at the Salt ponds, a guard be placed on the pass on Sir Timothy's Hill, and hang any spies on the next tree. *Feb. 9.* Arrangements made for relieving Nevis in case the enemy had any success there, and for provisioning the troops. *Feb. 10.* Received a letter from the Governor of St. Eustacius and James Rawleigh at St. Thomas, advising me of the enemy's force, and that they do expect M. D'Emberville with 8 great ships more, and that then they designe for Barbados. The French fleet came to anchor in Basseterre Road, except

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2 ships and 4 sloops which fell away to leeward ; one of which ships fired a broadside against Palmeta Point Fort ; being then on horseback, I ordered the horse at the frontier to march with, and the foot to follow me to Basseterre, where I expected the enemy would have landed, or at Friggat Bay, where I had placed a guard. In the morning, two companies of foot being sent to the Morne to oppose the enemies landing there, I lined the waterside at Basseterre, some boats being seen rowing towards shoar. At clear day, a great body of men appearing upon the side of the hills above the Morne, I ordered Col. Garnett, Capt. Wm. Kitt and 60 men to oppose the enemies landing and to maintain the Church at Basseterre, marched with the horse and rest of the foot that lay near the frontier and at Basseterre to about a mile towards the enemy. About 250 without colours already advanced towards us, upon a halt were joined by the aforesaid body with four pair of colours, and another greater body with four pair of colours also advancing over the Sadle from Friggat Bay, and having but half the militia with me halted and sent orders to Lt. Col. Payne to post Capt. Phipps' Company in the fort and to march with the Queen's troops and the rest of the Militia to my assistance. The officers judging the enemy to consist of at least 1,000 men, were of opinion that I ought to retreat to some place of advantage. I resolved to maintain Palmeta Point to the utmost, tho without any works being thrown up : but as I was disposing the forces, Capt. de Brissac and an express from Lt. Col. Payne gave me an account that the enemy had landed another body near to Belletâtes Point, and that Lt. Col. Payne was hotly engaged with them. I ordered Col. Garnett with the foot to halt at Godding Gutt until further orders, and myself with the horse marched with all possible speed to assist Lt. Col. Payne. At Charles Fort I found him halted above the gate, having been obliged to retreat. At a Council of War, Feb. 11, it was resolved that Lt. Col. Payne with about 200 men march to Brimstone Hill and maintain it, and that provisions be got into the Fort etc. Intelligence from Col. Garnett that the two Capts. William and John Kitt and Capt. Chr. Stoddard began to mutiny and threatened to leave their post, and would go to their wives and children, which they did. *Details given.* I ordered Col. Garnett to march to the Fort with the remaining part of his forces. *Account of women, children and provisions upon Brimstone Hill, Feb. 11.* On Feb. 12 the enemy advanced to Godding and planted their colours at Col. Codrington's house there. A deserter informed me that the enemy only designed to plunder and destroy the country, for if they had

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10,000 men they would not pretend to take the Fort and Brimston Hill, *etc. etc.* *Feb.* 13. I received a letter from Col. Johnson at Antigua that he hourly expected assistance from Barbados, Sir Ja. Wichart being there with 10 men of war, *etc.*; he sent me a command for the Governor of Anguilla to send me 50 well armed men, and the Governor of Spanishtown 40. In the afternoon rode out with the Horse to observe the enemy. Marched by Major Woodrop's up to Mr. Van Belle's Work, thence through Mr. Jolly's Plantation to a convenient place, where I observed about 500 of the enemy at Mr. John King's, as many at Major Panton's, and their main body at General Codrington's house at Godding. We exchanged some vollies without any loss but that of Peter Assailly wounded in the arm. *Feb.* 14. Whilst I went upon Brimston Hill, the enemy marched about 1,000 men by Capt. Biskett's upper work in from Mr. King's, burning the canes as they marched through Mr. Jolly's plantation to Mr. Van Belle's sugar work, which they burnt, thence through Lt. Col. Payne's plantation to Mr. McLearn's house and thence into Sandy Point, burnt that town with all the houses, works and canes that way except Mr. McArthur's, Dr. Rowland's, Mr. Lillingston and Branch's houses and works, and some little poor houses, the canon from the hill firing upon the enemy, while they were in reach. *Feb.* 15. A prisoner of war gave me intelligence of the enemy [*see* March 12, 13]. He believes the French cannot stay longer than 8 days, this armament being agreed on at Martinico, without any order from Court, they cannot answer to expose their men before the Forts, neither have they any cannon *etc.* for a siege. I sent Wm. Middleton to Statia [*St. Eustatius*], writing letters to the Governors of Anguilla and Spanish Town to send me the men required of them. *Feb.* 16. The enemy burnt the towns at Palmeta Point and the Old Road, Col. Codrington's and Mr. King's house *etc.* and are drawing towards the Old Road. Deserters informed me that this squadron sailed from Brest Nov. 10 (N.S.) and arrived at Tobago on the French Christmas, and remained there about 15 days, expecting Mr. Du Casse with 7 men of war, *etc.*, whence they sailed for Grenada, and thence to Martinico; where they were joined by the *Fidelle*, 50 guns, and the *Duc de Los*, 32 guns, and 12 privatiers. They staid 4 days at the N. point of Guardeloup, and were joined there by the rest of the privatiers, making besides the King's ships 29 sail. Their design was to attack Nevis with 2,500 men to land *etc.* [*see* March 12, 13]. They have a Barbados molato, James Johnson, for their pilot. If M. Du Casse had joined them, their intention was for Corassao. That last

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night a brigantine arrived from Martenico with orders for the French forces to embark, there being some ships seen to windward, which they judge to be English. They have at least 2,500 landed, and have got about 600 negroes with all the mills, coppers and plunder from Basseterre to Brimston Hill. At a Council of War it was unanimously decided not to attack the French as they embarked, our forces not consisting of $\frac{1}{4}$ th part of theirs and they being protected by their guns *etc.* *Certificate* by the same Council of War, that, whereas there has been a malicious reflection cast upon Lt. Gov. Hamilton for not engaging the French at Basseterre, Feb. 11, his action then was the only means to preserve Charles Fort and Basseterre. The mutiny of Cpts. Kitt *etc.* was the cause that the pass at Godding Gut fell into the enemies hands and of the subsequent destruction of plantations and Sandy Point. He has acted with all the courage requisite *etc.* 12 signatures. *Feb.* 17. Last night the enemy embarked *etc.* I rode as far as the Old Road, which found in ashes with the plantations between that and Brimston Hill, except Col. Lambert's and Madam Hill's houses and works, Lt. Col. Payne and Major Wooddrop's under Brimston Hill, with Mr. Burchall and Mr. Helden's houses at Old Road. The towns of Palmeta Point and Basseterre and all the plantations and buildings that way are laid in ashes except Palmeta Point Church and that at Basseterre, with Tho. Young's house at Palmeta Point. Whilst Col. Garnett was examining the cannon left at waterside at Basseterre, the Church there was sett on fire in the roof, he believed by some of his detachment of horse. James Whitman, a deserter, sayeth that Friday night by an express from Martenique they had an account that 15 English ships were seen to windward, and brought orders to retire. They embarked between 4 and 9 p.m.; their design was for Statia and Montserat, but broke by appearance of our ships *etc.* Account of stock killed for H.M. service. The enemy in their march at Windward, the 12th, burnt the dwelling houses and sugar works of Col. Crisp, Capt. De Brissac, Val. Persival, Clemt. Crooke, Mrs. Coles, Madam Mead, and Col. Daniel Smiths. *Feb.* 24. Lt. Gov. Johnson arrived. *Feb.* 26. Court Martial at Charles Fort for the trial of Cpts. Wm. and John Pitt, Christopher Stoddart, and Wm. Woodley, who acknowledge the matter of fact, and prayed the Court not to proceed to trial of them. Adjourned till the morning. *Feb.* 27. There not being a quorum at 10 a.m., adjourned till 4, when the Court declared that the prisoners had been guilty of a high misdemeanour and that they loose their Commissions until the C. in C. of the Leeward Islands thought fit, and acknowledge their crimes *etc.* *Signed,*

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John Helden, Clk. to said Court. *Endorsed as preceding.*
 13½ *closely written pp.* [C.O. 152, 6. Nos. 48, 48.i.;
 and (without enclosures) 153, 9. pp. 363, 364.]

March 19. **196.** W. Popple, jr., to Mr. Burchett. Encloses the usual
 Whitehall. Heads of Enquiry and Instructions for the Commodore
 of the Newfoundland Convoy, unto which the Council of Trade
 and Plantations desire they may receive answers, which they
 have faild of for the three last years, to the great inconvenience
 of H.M. service in those parts, it having been always customary
 for that Board before that time to be informed of the state of
 the Trade, Fisherys, and of the Forts and Soldiers there, by the
 Report of the Commissioners of the Customs, in order to present
 their opinions thereupon in Council. *Annexed,*

196. i. Heads of Enquiry to be given as Instructions to the
 C. in C. of the Newfoundland Convoy. *As C.S.P.,*
 1705. No. 1032.i. [C.O. 195, 4. pp. 244-259.]

March 19. **197.** Council of Trade and Plantations to the Queen. We
 Whitehall. find that the differences between Lt. Gov. Bennet, the Council
 and Assembly of Bermuda and Mr. Jones are so farr increased
 and his disrespect to the Governor has appeared to be such,
 that we are humbly of opinion that he be required forthwith
 to come into England to answer the complaints against him, and
 that before leaving he do commissionate such Deputy or Deputys
 as shall be nominated by the Governor to officiate in his places
 during his absence. [C.O. 38, 6. pp. 170, 171.]

March 19. **198.** W. Popple to the Agents of Barbadoes. Encloses
 Whitehall. Minutes of Council, March 18, and copies of the clauses in the
 Act to *keep inviolate the freedom of Elections*. The Council of
 Trade and Plantations desire Mr. Cleland to communicate them
 to the Governor of Barbadoes at his return thither. [C.O. 29, 10.
 p. 36.]

March 19. **199.** Council of Trade and Plantations to the Queen. We
 Whitehall. concur with Mr. Attorney General that the Act of Barbadoes
 to *confirm titles of owners etc.* would instead of quieting possessions,
 create more disturbances and controversies at Law, and therefore
 offer that your Majesty signify your Royal disapprobation and
 disallowance of it. [C.O. 29, 10. pp. 37, 38.]

March 19. **200.** Virginia and Maryland Merchants to the Council of
 Trade and Plantations. *Support* Col. Quarry's proposal for one
 Convoy (Feb. 22) as certainly the interest of the Plantations
 and Merchants and Navigation. But if any accident prevent
 the Fleet going out according to his proposall, *propose that* what
 ships are pleased to go may be permitted. *Signed,* Micajah Perry
 and six others. *Endorsed,* Reed. 28th March, Read April 1st,
 1706. ¼ p. [C.O. 5, 1315. No. 19.]

March 19. **201.** W. Popple, jr., to Sir John Cook, Advocate General.
 Whitehall. Application having been made by several merchants of tobacco

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etc. of the growth of England and H.M. Plantations, that they may be allowed to dispose of such commodities to neutral ships coming into England, and the said ships permitted to carry the same to any place in enmity with H.M., the Council of Trade and Plantations desire your opinion by what Law, Order or Instruction the same is disallowed : the vending of the native commodities of this Kingdom and of the Plantations (not contrebant, or expressly prohibited to be carried to France) being judged very beneficial to H.M. subjects. [C.O. 5, 1362. pp. 19, 20.]

March 21.
Cookpitt.

202. Mr. Sec. Hedges to the Council of Trade and Plantations. Refers following for their report. *Signed*, C. Hedges. *Endorsed*, Recd. March 28th, Read April 1st, 1706. 1 p. *Enclosed*,

202. i. Peregrine Brown to the Queen. Prays that the *Olive Tree* may be permitted to sail from Maryland without convoy. 1 p. [C.O. 5, 716. Nos. 9, 9.i.; and 5, 726. pp. 375-377.]

March 23.

203. Mr. Jackson to the Council of Trade and Plantations. I never knew half of the 20 subscribers to the Address to the Bishop of London, [see March 15]. Those I knew subscribed an Address in my favour, July 1, 1704, and continued to support me till fear of Capt. Lloyd on his return caused them to traduce me in order to ingratiate themselves with him. There is but one man's name in that list who is an inhabitant, and he a poor profligate wretch *etc.* Their former testimony confutes their present charge of riotous living. When I found myself slighted by the Admirals *etc.*, I went to the Courts to know their reasons, but they adjourned or refused to hear me, as Capt. Henry Hayman, the Lord Judge, declared, *etc.* *Signed*, John Jackson. *Endorsed*, Recd. 28th, Read 29th March, 1706. 2½ pp. [C.O. 194, 3. No. 154.]

March 23.

204. Attorney General to the Council of Trade and Plantations. I have considered of the Petition of Thomas Allen and desired to have seen a copy of the Declaration in Ejectment mentioned in the Petition, but have not seen it, that copy which your Lordships sent me being in a former suit ; this suit in the Petition mentioned being commenced March 21, 1704. However, taking the new ejectment to be in the same form as the old one, I do certify your Lordships that the Appeal, which is a Writ of Error, if the suit had been in England, should have been brought in the name of the Lessee in ejectment, and not in the name of the Lessor ; and if it had been soe done, the death of the Lessor would not have abated such Writt of Error. The petitioner represents that the Appeal was brought in the name of his father, the Lessor ; and if it were soe, I am of opinion the death of the plaintiff in the Writt of Error by law abates the Writt of Error, and the same cannot be revived, but a new Writ of Error must be brought, and it will be proper to bring it in the name of the Lessee in ejectment. As to the question proposed by Mr. Popple,

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whether H.M. by Order in Council may not prohibit the tenants in possession from committing waste pending the suit, *etc.* I am of opinion H.M. will not be advised to make such Order in favour of the Lessor of the plaintiff in ejectment, the verdict therein being found as is alleged by the petitioner against his title. *Signed*, Edw. Northey. *Endorsed*, Recd. 9th, Read 11th April, 1706. $1\frac{1}{2}$ pp. *Enclosed*,

204. i. Copy of Samuel Allen's Declaration in Ejectment, referred to in preceding. 2 pp.

204. ii. Copy of Order of the Superior Court of New Hampshire, Portsmouth, May 9, 1699, that Richard Waldron, tenant of the lands in question, be made defendant in the stead of Samuel Comfort, and plead to the [*? preceding*] Declaration in Ejectment. $1\frac{1}{2}$ pp. [*C.O.* 5, 864. Nos. 55-57; and (*without enclosures*) 5, 912. pp. 130-132.]

March 23. **205.** Mr. Jackson to the Council of Trade and Plantations. *Declaration* as to the subscribers of the Addresses (March 14) in favour of Major Lloyd. *Quoted in Representation of March 29.* *Signed*, John Jackson. *Endorsed*, Recd. 28th, Read 29th March, 1706. 2 pp. [*C.O.* 194, 3. No. 156.]

March 25. **206.** Petty Expenses of the Board of Trade, Christmas, 1705—March 25, 1706. 22*l.* 1*s.* 3*d.* Stationer's Bill, 22*l.* 4*s.* 4*d.* Postage, 18*l.* 1*s.* 9*d.* 4 pp. [*C.O.* 318, 3. Nos. 4-6.]

[March 26.] **207.** Lt. Moody to the Queen. Prays to be provided for in the Army as a reward for his services in Newfoundland. 2 pp. *Enclosed*,

207. i. The case of Lt. John Moody. His Company, relieved in Nov., 1705, has not been able to obtain one penny of their subsistence or pay since Sept. 22, 1704. All the pay has been either issued or stop'd for respits to Christmas last and 355*l.* 5*s.* 7½*d.* thereof was paid to Capt. Powell's executors and to Capt. Lloyd, who now commands the company, for money formerly alleged to have been expended by the said Captains, and there is 243*l.* 2*s.* 3*d.* stopt in the Pay Office for respits. What is alleged to have been spent by the said Captains, being long before Sept. 22, 1704, petitioner hopes your Lordships will not think it reasonable that the small subsistence of a soldier from that time, which is but 2*d.* a day, should be lyable to bear it *etc.* Petitioner by means of those and other hardships, together with the expence of 420 gall. of his own Brandy and one butt of Fiall wine, value 176*l.*, issued to the garrison during the siege, without which they must have perished, is put to great streights, and the poor soldiers brought to a very miserable condition for want of the small sums wch. they have so dearly purchased. Besides which petitioner was cast away in H.M.S. *Loo*, with

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the loss of all his effects. 2½ pp. *The whole endorsed, Referred to this Board by a Committee of the Privy Council. Endorsed, Recd. 26th, Read 28th March, 1706. [C.O. 194, 3. Nos. 146, 146.i.]*

March 26. **208.** W. Popple, jr., to W. Lowndes. *Quotes Clause in the Whitehall. Act for encouraging the trade of Newfoundland, that ships are to carry one fresh man in 5 etc. And whereas it will be to the benefit of Trade and increase of seamen that the said clause be duly observed in the several out-ports, the Council of Trade and Plantations do think it for H.M. service that the Collectors or Principal Officers of the Customs be reminded of their duty in this particular, and desire the direction of my Lord High Treasurer to the Commissioners of the Customs therein. [C.O. 195, 4. pp. 259-261.]*

March 27. **209.** Mr. Merrett to the Council of Trade and Plantations. My opinion of the soldiers' complaints against Major Lloyd, Feb. 4, is that they proceed out of malice and to prevent any enquiries about the arbitrary proceedings of Bromfield and others, in plundering the inhabitants and collecting money for the provisions Mr. Moody supplied the women and children with etc. As to Article (3), two Lieutenants arrived with Mr. Lloyd, and Mr. Latham hath a breviate for a Captain. Article (4) is disproved by enclosed receipt by Commodore Bridge. The rest are old and malicious complaints, incident to soldiers; Moody has been guilty of worse and has got the soldiers on his side by having made them as culpable as himself. Mr. Lloyd kept them under discipline, and therefore they were very mutinous and hated him. *Refers to Mr. Jackson's malicious complaints. Proposes that an impartial man be appointed to enquire this year whether Major Lloyd hath not duely observed the orders given him. Signed, Solomon Merrett. Endorsed, Recd. 28th, Read 29th March, 1706. 3½ pp. Enclosed,*

209. i. Receipt for 3 serjeants, 3 corporals, one drummer and 48 private soldiers with musquets and accoutrements from Major Lloyd etc. St. Johns, Nov. 20, 1705. *Signed, T. Bridge. 1 p. [C.O. 194, 3. Nos. 149, 149.i.]*

March 28. **210.** Mr. Merrett to Mr. Popple. I omitted in my paper Whitehall. of yesterday to say that Major Lloyd fully answered the complaints made against him last year, which are now renewed, not any new ones, etc. If he is recalled, it will be contrary to the opinion of all the Traders in the West of England to Newfoundland, as also of the merchants of London, nay some who signed in Moody's favour last year, etc. *Signed, Solomon Merrett. Endorsed, Recd. 28th, Read 29th March, 1706. 1 p. [C.O. 194, 3. No. 150.]*

[March 28.] **211.** Lt. Moody's Answer to the Affidavits against him [see March 14]. (1) Christian was a notorious thief and strumpet.

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I turned her out of the fort as being a danger to the soldiers. When she resisted, she was whipped to frighten, not to hurt her. On hearing the malicious rumour that this caused her death, demanded an enquiry. At a Court held by Commodore Bridge, Capt. Fairborn and the 3 Fishing Admirals I was completely cleared. Then, before the Fleet sailed, I gave public notice, challenging those who wished to complain against me or the soldiers to do so. Sept. 3, 1705. (2) Mr. Roope dissuaded the inhabitants from keeping watch in the Harbour as I proposed. Huxford was miserably overawed by Capt. Lloyd. (4) Bradbury was a lewd dissolute fellow whom I had to punish. I sent a search party out after the French had gone, fearing an ambuscade. They returned with a few old rags, for which with my sword I beat them all round and made them carry them without the fort. (6, 7) The enemy loaded two shallops with plunder and sank them. Some of the soldiers ventured their lives and got some small matter of pewter, etc, out of them, which perhaps they might sell, but without my knowledge. (9) Upon Hore's complaint of a soldier who came to his house drunk and abused him, I made him run the gauntlet through the whole company. (10-14) I had my own stock of provisions and H.M. stores, on which I subsisted the inhabitants and charged them under the market price. They refused to pay any of the Queen's part, and I never received $\frac{1}{4}$ th of what was due to me. The remainder of my own provisions being damnified and the casks leaky, I used 7 or 8 of H.M. empty casks and sent them out of the Fort to be truckt for fresh goods. (15) The fish belonged to Mr. Colin Campbell and were by me sold on his account, etc. I know but one of the names subscribed to Major Lloyd's testimonial. Signed, J. Moody. Endorsed, Recd. 28th, Read 29th March, 1706. 8 pp. Enclosed,

211. i. Capt. Fairborn to Lt. Moody. Nore, *Centurion*, March 21, 1705. You behaved yourself at Newfoundland as a man of honour and in your defending the fort deserved thanks etc. Signed, W. Fairborn. *Holograph. Addressed. Postmark. 1 p.*

211. ii. Deposition of A. Cummings. There is but one person subscribing the testimonial to Major Lloyd whom I know to be an inhabitant of St. Johns. Mr. Moody's behaviour was altogether agreeable to the people and traders; he kept strict discipline and bravely defended the garrison. Mr. Roop dissuaded the inhabitants from keeping watch in the Harbour, because he said it would be of ill consequence for the inhabitants to yield to the order of the Commander of the Garrison. The inhabitants were in a deep consternation and terror upon the return of Major Lloyd, etc. Signed, Archd. Cummings.

211. iii. Affirmation of G. Skeffington. He only knew two of the subscribers to Major Lloyd's testimonial. Lt. Moody was approved by the inhabitants, but he hath heard many say that, if Lloyd stayed at St. Johns,

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they would not trade there, *etc.* *Signed*, Geo. Skeffington. $\frac{1}{2}$ p.

211. iv. Deposition of Jeffry Lang, March 1, 1705. He heard several Frenchmen say that the difference between the inhabitants of the Harbour and the Fort gave them great encouragement for their expedition. Mr. Roope, who hath been the greatest encourager of the inhabitants from watching, or assisting the Fort, said he would not appeal for justice to Capt. Moody but would choose 12 men out of the inhabitants to decide matters without his knowledge. When Capt. Moody enquired about the boom, he said he would make him to know he had nothing to do with it or him *etc.* Jeffry Lang. $1\frac{1}{2}$ pp. [C.O. 194, 3. Nos. 155, 155.i-iv.]

[March 28.] **212.** A List taken by the French of the (male) inhabitants of St. Johns and Petty Harbour. 230 names, some marked "wanting." *Endorsed*, Reed. from Lt. Moody, March 28, 1706. 3 pp. [C.O. 194, 3. No. 147.]

[March 28.] **213.** Merchants and Planters of Newfoundland to the Earl of Nottingham. Represent the untainted loyalty and undoubted courage of Lt. Moody and his soldiers, as appears by his defence of the Fort *etc.* *Signed*, James Benger, Colin Campbell and 118 others. *Endorsed*, Reed. March 28, 1706. 5 pp. [C.O. 194, 3. No. 148.]

March 28. **214.** Council of Trade and Plantations to Mr. Secretary Whitehall. Hedges. Col. Richards is of opinion that the number of men requisite for the better defence of the Fort and Batteries in St. John's Harbour is an addition of such another Company as is already there. *Autograph signatures.* *Endorsed*, R. March 30. 1 p. *Enclose following for H.M. signature.*

214. i. Instructions for the Commander of the Garrison at St. Johns. *See April 11.*

214. ii. Declaration for settling a Militia. *See April 11.*

214. iii. Instructions to the Commander in Chief of the Convoy. *See April 11.* [C.O. 194, 22. Nos. 65, 65.i-iii.; and 195, 4. pp. 261-269.]

[March 29.] **215.** Mr. Newton, of Boston, to the Council of Trade and Plantations. For near 20 years a practicer of the Law in the Massachusetts Bay, he has had frequent, as well as sad occasion to observe the great mischief and inconveniency hapning to H.M. subjects by the want of an established Court of Chancery, the Courts of Law there holding themselves to the strict rules of Law established and practised in those Courts, and giving no relief in cases of Trusts, agreements *etc.* properly relievable in Courts of Equity. *Instances* cases of Peter Lidget's estate, Andrews of Salem, whose estate is wrongfully enjoyed by Symon Bradstreet's heirs; and of Lewis Boucher and John George, whose books and merchandize were lost in a fire at Boston, and

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who cannot be compelled to discover what they owe and what was saved, *etc.* *Prays that* a Court of Chancery may be established *etc.* Signed, Tho. Newton. Endorsed, Recd. March 29, Read April 3, 1706. 3½ pp. [C.O. 5, 864. No. 54.]

March 29.
Whitehall.

216. Council of Trade and Plantations to Mr. Secretary Hedges. In obedience to the directions of the Lords of the Council, we have examined several affidavits by the soldiers lately returned, concerning the late behaviour of Capt. Lloyd there. Upon which it appears that 18 of the soldiers were by him forced out to the fishery *etc.* to his profit (*see* Feb. 4). When any of the garrison refused to go a fishing, he replied he did not list them for the Queen's service, but for his own, and did therefore compel them to go by threats. He engaged them to go a wooding for poles of certain bigness, promising them advantages for the same, but broke his word and sold the poles for his own use, which discouraged the soldiers so much that several deserted to the enemy, upon which he endeavoured to oblige every 6th man of the garrison to be bound for each other's debts. At his arrival, there was money due to each soldier for subsistence, which came to his hands, but he denied the receipt thereof, which obliged the soldiers to allow him one half of the said subsistence, to procure the other, which he paid them in goods at extravagant rates. He encroached upon their daily subsistence by deductions out of every mess's allowance of butter and cheese per fortnight for his own use. He forbade the inhabitants to sell the soldiers any goods, by which means they were obliged to buy of him at excessive rates. Whereas the soldiers used to receive their pay every fortnight, they were now glad to get it in two, four or six months. Lloyd sold the Queen's provisions at certain prices, the product whereof he converted to his own use. He lay several nights [*a week*] without the garrison, seldom attended Divine service, but diverted himself on the Sabbath days with his flute and violin, to the scandal of religion and piety. We observe that most of the above particulars are confirmed by Mr. Jackson, who was recalled by Capt. Lloyd's complaints against him. As to the Address in favour of Capt. Lloyd [March 14], that of the inhabitants seems to be subscribed by the same hand, and Mr. Jackson doth solemnly declare that it is signed with false names, there being but one of the subscribers by name that he knows, the rest being no inhabitants at St. Johns, but utterly strangers to him. And that the old and most substantial inhabitants are persons so far from signing in Capt. Lloyd's favour this year, that many of them are gone out of the country, and have left their business purely upon his return thither; that above three parts of those who subscribed to the Address by the Masters of ships [March 14] were never acquainted with Capt. Lloyd's former proceedings, having never been in St. John's Harbour before the last year, and they have been persuaded by 2 or 3 persons, who have formerly subscribed all manner of certificates, as they served for their interest.

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Autograph signatures. 4½ pp. *Endorsed*, R. March 30. [C.O. 194, 22. No. 66; and 195, 4. pp. 270-273.]

March 30. **217.** Certificate by Capt. Fairborn that Lt. Moody was cleared of the charge of causing Christian's death [see March 14 and 28]. *Signed*, W. Fairborn. ½ p. [C.O. 194, 3. No. 157.]

[March 30.] **218.** [? *Major Lloyd to Sir C. Hedges.*] Proposals concerning Newfoundland. (1) That the Governor of the Fort at St. Johns have orders to secure and subsist all prisoners of war taken by letters of marque, with power to exchange them for English carried to Placentia. For want of this our letters of marque, for fear of being cumbered with too many prisoners, decline taking prizes, or ransom them for small matters. If they bring in their prisoners, for want of a regular officer for that purpose, they are lett loose to stragle where they please, and often run away with our boats *etc.*, so that the fishermen are forced to neglect their fish to watch the French. (2) The greatest part of our ships resort to St. John's only, so that they have not room to save their fish, and take not half the quantity that they would, were they dispersed into diverse harbours, which they would gladly do, if the men of war were ordered to cruize to protect them. (3) *Proposes* that convoys have orders to sail with all our ships by Sept. 20 at farthest, and that H.M. would reinforce the garrison of St. Johns with another company of soldiers; at present they are not numerous enough to defend the place, much less to annoy the enemy. 1 p. *No date or signature; apparently part of Memorial of earlier date considered by Sir C. Hedges at this juncture.* [C.O. 194, 22. No. 66.A.]

April 1. **219.** Certificate similar to that of Capt. Fairborn, No. 217. *Signed*, T. Bridge. *Endorsed*, Recd. Read April 2, 1706. ¾ p. [C.O. 194, 3. No. 158.]

[April 1.] **220.** London Merchants trading to Virginia and Maryland. *Answer to Col. Quarry*, Feb. 22. Those Plantations produce one crop of tobacco yearly, but it is not ready at one time, so that it must be a great loss for a whole fleet to stay till all is ready, and if the whole fleet arrive from England at once, by the struggling of every one, it must be an encouragement to the planter, being in such a hurry, to produce worse tobacco. Good ships, well fitted with men and guns, should be allowed to come and go as they please; and regular convoys should go twice a year, *etc.* 24 signatures. *Endorsed*, Presented by Mr. Milner, March 29, Read April 1, 1706. 2 pp. [C.O. 5, 1315. No. 18.]

April 1. **221.** Governor Handasyd to the Council of Trade and Plantations. I have received none from your Lops. since yours of Oct. 29, but by this packett am favoured with a letter from Sir C. Hedges of Jan. 17, *etc.* and a small trunk of King Charles' Declarations, *etc.*, which are to be distributed among the Spaniards in these parts, and which I hope will have true effect.

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Nothing shall be wanting on my part to accomplish this matter ; in order to which on March 27, I called a Councill, that the most speedy and effectuall measures might be considered and resolved on for the carrying on and perfecting this weighty affair. My first proposall was that a Gentleman of the Councill, who understands Spanish very well and has considerable dealings with some Spanish merchants, should be the person by whom this matter was to be wrought, but finding him not willing, have pitch't upon a Spanish Captain, Don Augustine Olaravall, who was taken in a Spanish advice-boat, and has since been employed by severall merchants here, and sent to the Spanish coast on Business of Trade, in which he has discharged himselfe faithfully ; whom I sent for, and after some discourse with him to discover which way his inclinations were, finding he was willing to undertake this matter, I made severall proposalls to him, and withall assured him of H.M. gracious protection and reward, if he managed this affair to effect, and that H.M. would recommend him, according to his meritt, to his lawfull King, Charles III, and for a further encouragement to him I offered to deposite in the hands of Mr. Chaplin 500 pistoles to be paid to him on his return from Carthagene, if he acted with ffidelity ; in answer to which he told me that he desired nothing more then what would bear his expences during his stay there, and that 25 or 30 pistoles were sufficient. This matter was approved of by the Councill, and further means agreed on by them and me are, that a sloop be immediately hired, on board which this Spanish Captain, with all the Spanish prisoners here, are to be sent to Carthagene, and that Admiral Whetstone with his squadron should lie off to windward of Carthagene, and send in there the sloop wearing a fflagg of Truce, with the Spanish Captain and prisoners, and at that time deliver to some Spaniards the publick letters directed to the Governor with King Charles's Declaration, disperseing severall Declarations and letters, by which means the People's inclinations may be known ; the Spanish Captain is likewise to take a private letter, which he is to convey to the Governor by his Father Confessor, who is very well inclined to King Charles's interest, and is intimate with the Governor : the fflagg of Truce is to continue there 4 or 5 days, that if the Governor is well disposed, he may have the opportunity of returning an answer. The Admirall is desired by me that while he lies off that place he write a letter to the Governor and acquaint him that the Queen of Great Brittain sent him there not to molest or do any injury to those who were her ancient allies, but to protect all those who are willing to throw off the French yoke, and declare for their right and lawfull King, Charles III, of whose clemency and protection they might be assured. H.M. has been graciously pleased to signify by Sir C. Hedges that my Regiment shall be relieved at the expiration of 6 years from our landing here, which determines June 8, 1707. In answer to which I have desired of Sir C. Hedges to return H.M. our most humble and hearty thanks and recommend to H.M. my earnest desire to be relieved at the same time from my Government,

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which I must entreat your Lordships' favour in forwarding: it being my misfortune after all the faithfull endeavours I have used to reclaim a headstrong ungovernable people to have no effect on them, nor have it in my power to make them sensible of our gracious Queen's care for them, and the yearly expence she is at in preserving their lives and fortunes. Altho my fortune, considering my numerous family, is very small, yet I am willing to content myself in depending on your Lorps. patronage so to recommend me to H.M. that a faithfull servant may never want bread, I having served her present Majesty and his late Majesty as King and Prince of Orange these 32 years past, therefore assure myself I shall not be forgott. Whoever is appointed to succeed me in the Government ought to be a man of unquestionable loyalty to H.M., as well as of courage and conduct, for if it should fall into other hands I am apprehensive of a very evill consequence. I have been obliged to continue an imbargo here these 5 weeks past, upon apprehensions of the enemy's attempting us, but they not being supply'd with forces from old France, as they expected, believed themselves not strong enough for us, and so fell on St. Christopher's where they have burnt and destroyed all the Plantations. I put everything here in the best posture of defence I could, considering the small number of men I have to defend so large a place, for I believe the French certainly had a designe on this Island. They have had great mortality by a spotted feavour, as well on board their Fleet as at Martineco, of which severall hundreds have died. *Refers to enclosed lists*, by which your Lops. may be informed of our weakness. *Encloses Minutes of Council*, with an account of the Stores of ordnance, and a copy of a bond of Robert Daniell of Carolina, for the return of some stores of war he borrowed for the use of that place, which I before sent your Lordships but miscarried in the packett boat that was lost; I send the same by this packett to the Board of Ordnance. I have received by this packett boat a Lieutenant, an Ensign, a Serjeant, two Corporals, a Drummer and 38 private men of my regiment, and part of the cloathing. Four men, I am informed, dyed on their passage. *Signed*, Tho. Handasyd. *Endorsed*, Recd. 21st, Read May 27th, 1706. 3½ pp. *Enclosed*,

221. i. Copy of the bond of Robert Daniell, Dec. 4, 1702. Described in preceding. *Endorsed*, Recd. May 21, 1706. 1 p.

221. ii. Present strength of the 8 Regiments of Militia of Jamaica, containing white men, free Indians, free mulattoes and free negroes. Total, 2,550 men, 91 officers. *Endorsed*, Recd. 21st, Read 27th May, 1706. 1 p.

221. iii. Copies of the letters sent, in Spanish, by Governor Handasyd to the Governors of Cartagena, Porto Bello, Havana etc. March 30, 1706. *Encloses papers to demonstrate the great affection the subjects of King Charles III have shewn to him in Spain. The French King designs with subtlety to send ships into the Indies*

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by 2 or 3 at a time till he hath made up sufficient strength to sieze Cartagena or the Havana, therefore your Honour cannot be safe without denying them admittance *etc.* I am expecting here more ships of war for the succour of any of the Spanish West Indies that are for King Charles III, as also stores of war for their defence when desired. I send what Spanish prisoners are in this Island, and shall be obliged if you send me those you have and advise me if you have occasion of any ammunition *etc.* *Signed*, Tho. Handasyd. 1½ pp.

221. iv. Copy of private letter from Governor Handasyd to the Governor of Cartagena. I have received dispatches from the Queen my Lady by wch. I can assure any of the Governors of the Spanish Ports, that I have a vallue for, that they will be continued in the same posts they now are, or put into others of greater consequence, if they declare for King Charles III, shakeing off that avaricious and devouring French Batt [*? vampire*] *etc.* *etc.* March 31, 1706. *Signed*, Tho. Handasyd. *Endorsed*, Recd. May 21, 1706. 1 p.
221. v. Account of Ordnance Stores sent over to Jamaica, 1704. 1 p.
221. vi. Account of Ordnance stores in Jamaica, November, 1705. *Endorsed*, Recd. May 21, 1706. 3½ large pp. [*C.O.* 137, 7. Nos. 23, 23.i-vi.; and (*without enclosures*) 138, 11. pp. 463-473; and (*extract of covering letter*) 137, 51. No. 11.]

- April 1. **222.** Governor Handasyd to Mr. Secretary Hedges. *Acknowledges* letters *etc.* of Jan. 17. *Repeats parts of preceding letter, and refers to enclosures.* Add: I have a list of 2 or 3,000 slaves, wch. may doe a great deal of service, if they are trusty, especially in a pursuit, but that I dare not depend on, *etc.* *Signed*, Tho. Handasyd. *Endorsed*, R. May 21. 2½ pp. *Enclosed*, 222. i-iii. Duplicates of Nos. 221.ii-iv. [*C.O.* 137, 45. Nos. 76, 76.i-iii.]

- April 2. **223.** Mr. Jackson to the Council of Trade and Plantations. *Prays* that the Commodore may be directed to oblige the inhabitants of St. Johns to pay the arrears of fish, due to him upon the subscription they voluntarily undertook to pay him, to his correspondents there, Mr. Joseph Pemberton, and Archibald Comings. *Signed*, John Jackson. *Endorsed*, Recd. Read April 3, 1706. 1 p. [*C.O.* 194, 3. No. 159; and 195, 4. pp. 276-278.]

- April 2. **224.** Mr. Popple to Capt. Gardiner. *Encloses* extract, Whitehall. for his answer, from Governor Handasyd's letter [*? Nov.* 20, 1705], complaining of the hardships his regiment suffers at Jamaica. [*C.O.* 138, 11. pp. 442, 443.]

- April 2. **225.** Col. Quarry to the Council of Trade and Plantations. Plymouth. *Elaborates memorial of Feb.* 22. Never was so great a quantity

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of tobacco come from the Plantations in one year, as is expected in England this summer, nor was there ever so dismall a prospect of a market. The Dutch and their neighbours in Germany are said to have planted the last year 33,500 hhds; if true, this threatens ruin to Virginia and Maryland. *Proposes* that one or two gentlemen of known integrity and experience be sent to the Continent to investigate *etc. etc.* *Signed*, Robt. Quarry. *Endorsed*, Recd. Read April 11, 1706. 3 pp. *Enclosed*,

225. i. An account of the tobacco planted in Gelderland and the places adjacent, *as above*. $\frac{1}{2}$ p. [C.O. 5, 1315. Nos. 22, 22.i.; and (without enclosure) 5, 1362. pp. 23-28; and (enclosure only) 318, 3. No. 33.]

April 2.
Plymouth.

226. Col. Quarry to Sydney, Lord Godolphin, Lord High Treasurer. *Encloses following.* *Signed*, Robt. Quarry. 1 p. *Enclosed*,

226. i. Duplicate of preceding Memorial. [C.O. 5, 3. Nos. 29, 29.i.]

April 3.
Whitehall.

227. Council of Trade and Plantations to the Board of Ordnance. *Enclose* copy of Minutes of Council of Jamaica July-Oct., 1705, relating to stores of war. We desire you to take notice of the intention there was of putting on board H.M.S. *Montague* several old iron guns to be delivered to you. [C.O. 138, 11. pp. 443, 444.]

April 3.
Whitehall.

228. Council of Trade and Plantations to Mr. Secretary Hedges. We have examined the Petition of Lt. Moody, which you were pleased to deliver to us at our last attendance, setting forth his services to the Crown for 9 years past, and do find the matter of the said Petition, as to his defending the Fort at St. Johns against the French, to be true, and that he was superseded in his command of Lieut. of the Company by a Commission carried over by Major Loyd in favour of an other person. We have likewise examined several affidavits and papers of complaint against Moody, and find the chief charge is, that he caused a woman to be whipped within the Fort at St. Johns, and otherwise ill used by his soldiers, that she died in 14 days; to which accusation he has replied that this fact was tried at a Court Martial, whereupon he was acquitted *etc.* [see March 14, 28, 30]. As to the charge against him of having imbezled H.M. provisions and misbehaved himself on other occasions, we are of opinion that these informations are malicious, and we are confirmed in the said opinion by a letter he produced to us from Capt. Fairborn. [C.O. 195, 4. pp. 274-276.]

April 3.
Whitehall.

229. Sir C. Hedges to the Council of Trade and Plantations. *Encloses following*, for their opinion what method is proper to be taken for the relief of H.M. subjects in Carolina, and the protecting them in their just rights. *Signed*, C. Hedges. *Endorsed*, Recd. 9th, Read April 10th, 1706. 1 p. *Enclosed*,

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229. i. Address of the House of Lords to the Queen, March 13, 1705, relating to Carolina, with H.M. Reply. *Printed.* 1 p. See *Lords' Journal*, XVIII. pp. 150-153. *Overleaf*,

229. ii. Petition of Joseph Boone, merchant, on behalf of himself and other inhabitants of Carolina and London merchants, to the House of Lords. *Printed.* 1 p. Set out, *House of Lords MSS.* New Series, VI. pp. 406-408. [*C.O.* 5, 1263. Nos. 101, 101.i., ii.; and 5, 1291. pp. 357, 358.]

April 3.
Whitehall.

230. Council of Trade and Plantations to Governor Park. *Enclose* Order of Council July 9, 1705, upon the petition of S. Baron. [*C.O.* 153, 9. pp. 307, 308.]

April 3.
Whitehall.

231. Sir C. Hedges to the Council of Trade and Plantations. *Encloses following*, that you may state the Fact and give your opinion what you think fit to be done. *Signed*, C. Hedges. *Endorsed*, Recd. 9th, Read April 10th, 1706. $\frac{3}{4}$ p. *Enclosed*,

231. i. Address of the House of Lords to the Queen. March 18, 1705-(6). Upon the petition of John Graves [see *House of Lords MSS.* New Series, VI. pp. 410, 411]. We humbly beseech your Majesty that, as well in compassion to your Majesty's distressed subjects in those parts, as for the security of the Trade in generall, you will be pleased to take the Bahama Islands into your hands in order to secure the same to the Crown of England and to the safety and advantage of the trade of your subjects *etc.* *Signed*, Math. Johnson, Cler. Parliamentor. [see *Lords' Journal*, XVIII. p. 159]. *Copy.* $1\frac{1}{2}$ pp. [*C.O.* 5, 1263. Nos. 100, 100.i.; and 5, 1291. pp. 354-356.]

April 3.
Whitehall.

232. W. Popple, jr., to Mr. Attorney General. The Council of Trade and Plantations having received the enclosed paper from Mr. John Bridger relating to the exportation of wooll-cards to New England, and believing the same to be destructive and prejudicial to the woollen manufacture of this Kingdom, desire to know whether there be any Law whereby such exportation may be prevented. [*C.O.* 5, 912. pp. 128, 129.]

April 4.
Whitehall.

233. W. Popple to Constantine Phipps. *Encloses* Memorial from Thomas Newton relating to the want of a Court of Chancery in the Massachusetts Bay (March '29). The Council of Trade and Plantations desire you would procure them Mr. Attorney General's opinion thereupon. [*C.O.* 5, 912. pp. 129, 130.]

April 4.

234. Anonymous letter to Sir Philip Meadows. Those who propose one fleet and a good convoy for Virginia and Maryland once a year [Feb. 22], are beyond all controversy in the right. By this method the planter might, instead of 10s., yea, sometimes loss of the whole, make six times the value; by the former he is ruined, and cannot cloathe himself and servants,

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etc. etc. Endorsed, Recd. April 4, 1706. *Addressed*. 2½ pp. [C.O. 5, 1315. No. 20.]

April 4. **235.** Order of Queen in Council. Repealing Act of Barbados
Kensington. *for confirming titles, etc.* (see March 19). *Signed*, Chris.
Musgrave. *Endorsed*, April 26, 1706. 1½ pp. [C.O. 28, 9.
No. 38; and 29, 10. pp. 48-50.]

April 4. **236.** W. Popple, jr., to Mr. Champante. *Encloses* extract
Whitehall. of letter from Lord Cornbury relating to Mr. Nanfan (? Nov. 20,
1705). [C.O. 5, 1120. p. 440.]

April 4. **237.** W. Popple, jr., to N. Gould, *etc.* [see March 5]. The
Whitehall. Council of Trade and Plantations, having received information
from several Virginia merchants that all our tobacco in Muscovy
is now sold, desire to know whether you have any account thereof.
[C.O. 5, 1362. p. 21.]

April 4. **238.** Order of Queen in Council. Approving Representation
No. 197. Mr. Jones is to return to England *etc.* *Signed*, Chris.
Musgrave. *Endorsed*, Recd. Read May 7, 1706. 1½ pp. [C.O.
37, 7. No. 24; and 38, 6. pp. 171, 172.]

April 5. **239.** Council of Trade and Plantations to the Commodore
of the Newfoundland Convoy. Enclose Mr. Jackson's petition
(April 2), and the original subscription of the inhabitants of
St. Johns. We desire you to befriend him that he may receive
his arrears. *Annexed*,

239. i. Subscription of some inhabitants of St. Johns, under-
taking to pay Mr. John Jackson certain quantities of
fish, annually so long as he stays. April 16, 1702.
Signed, Jno. Collin, Wm. Legarsick (*mark*), Wm. Roberts,
Ricd. Colesworthy, Jno. Marshal, Henry Newman,
Robt. Delbridge, Tho. Hawkins, jr., Gilbert Jane (*mark*),
John Cock, Tho. Grichtie, Chr. Archer, Wm. Sharpe
(*mark*), James Benger. [C.O. 195, 4. pp. 278, 279.]

April 5. **240.** W. Popple, jr., to Mr. Sloper. My Lord Cornbury
Whitehall. having acquainted the Council of Trade and Plantations (see
Nov. 27, 1705), that H.M. has appointed him, as Governor of the
Jerseys, a salary of 500*l.* per annum, desire you will inform me
when and how the said salary was settled. [C.O. 5, 994.A. p.
279.]

April 6. **241.** Contractors with the Czar to Mr. Popple. We have
London. no such advice as No. 237, nor do we believe that anybody else
hath; but we are well assured by our youngest letters that nothing
therein could be done till the Czar's return from the army, *etc.*
Signed, Nathl. Gould, Saml. Heathcote, Wm. Dawsonne, Edwd.
Haistwell. *Endorsed*, Recd. Read April 8, 1706. 1 p. [C.O. 5,
1315. No. 21; and 5, 1362. p. 22.]

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April 6.
Liverpool.

242. W. Clayton to Wm. Popple. *Encloses following. Signed, Wm. Clayton. Addressed. Sealed. ½ p. Enclosed,*

242. i. Merchants of Liverpool to the Council of Trade and Plantations. *Reply to Col. Quarry's Memorial Feb. 22.* His proposal will wholly destroy the trade of the purchasers of the tobacco crop, and be chiefly advantageous to traders per commission, rich planters and shippers. A great part of the tobacco in Virginia and Maryland is not strip't and pack't till May and June. Ships arriving all together will bring such a glut of goods yt. the planters will not buy them except at their own terms, and hold their tobaccos at such high prices as will greatly discourage traders to those parts. The shippers and rich planters, having stocks, will ingross ye trade and oppress the poorer planters, during the absence of the Fleet at their pleasure, wch. seems to us one thing intended, because they'l get their tobacco in readiness against the Fleet arrive, but the purchasers must stay 3 or 4 months before they can get ready. The ships coming in one fleet will be of no advantage to the markets. Great quantities of goods ever lowers their prices. The same wind cannot carry all the ships at once to the place of rendezvous: some of the fleet may therefore be a month or 2 later than others, and the time fixt being so short, must be left behind and then obliged to stay till the following year. *Propose* that all ships have liberty to sail as they get ready, and that a certain time, as now practic'd, be appointed for the convoy to depart from Virginia, and that such ships as are not ready then, have liberty to sail in Aug. or Sept., when there will not be so much danger of privateers on the coasts of England and Ireland. *22 signatures. Endorsed, Recd. Read April 11, 1706. 2 pp. [C.O. 5, 1315. Nos. 23, 23.i.]*

April 6.
Bristol.

243. Col. Yate to W. Popple, jr. The merchants of this city, trading to Virginia and Maryland, are of opinion that, during the present war, Oct. 1st may be a very proper time for the convoys to sail from England and May 1st for their return with all ships that are bound for Europe. *Signed, Robert Yate. Endorsed, Recd. Read April 11, 1706. 1 p. [C.O. 5, 1315. No. 24; and 5, 1362. p. 31.]*

April 6.
Montserrat.

244. Lt. Governor Hodges to the Council of Trade and Plantations. The 21st of the last month, early in the morning, was discover'd to the windward of this Island 50 odd sayle, all with French Collours, 12 whereof, by report of a French prisoner, were men of war, they all bent their course for Antigua, and by 12 the same day was gott close under the shore of that Island, where they continued for about 2 houres, and then bore downe to the Northward of this Island, but before night was past, soe farr to Leeward as to give us reason to conjecture their intentions

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were for Nevis. By advice from St. Christophers, we understand that the day following the Enemy's men of warr came to anchor close under the fortifications of Nevis and immediately began their attack, which continued for neare foure hours, as 'tis beleived, for soe longe was discover'd nothing but fire and smoke, which being over, was discern'd two French flaggs flying in two severall fforts. The enemy hath bin now 14 days on that Island, and from the many fires for these severall dayes and nights have been seen thereon, it may be presumed they have compleated the distruction thereof. It's thought St. Xt.phers may be the next place they will attempt, and then this Island in turnn. I hope your Lordships will beleive I have been wanting in nothing that may contribute to the safety of this Island. It's possable the enemy may flatter themselves that this will be but an easie conquest, derived from some confidence that the Irish here are in their intrest, but I promise myselfe herein they will be deceived, having made it good part of my care, soe to temper the minds of those people as to remaine under a great deal of assurance of their being firme to the Queen's intrest. The foregoing relation, my Lords, is too melancholly to dwell on, however, I thought in duty I could doe no less, *etc.* *Signed*, Antho. Hodges. *Endorsed*, Reed. 20th, Read June 21st, 1706. 1½ pp. [C.O. 152, 6. No. 53; and 153, 9. pp. 377-379.]

April 7.
Barbados.

245. Governor Sir B. Granville to the Council of Trade and Plantations. *Encloses following*, brought to me by an express from Antego 2 days since. By it yor. Lordships will see the danger of the Leeward Islands, and the nearness of it to us, at least all people here are apprehensive that this Island will at last be attack'd, and from the present strength of the French, as well as what we have reason to believe they expect further, we are as vigorously as we can preparing to receive them. We endeavour to supply our weakness in men with intrenchments and redoubts, which tho in some forwardness, are far from being finished, what we have shall be made use of to the best advantage of H.M. service, *etc.* According to the best intelligence I have the French force is, 15 sail of men of war, most 70 and 60 guns; 3,600 land soldiers of their regular troops from Europe; number of criolls with their sloops and brigantines uncertain; more men of war and land forces expected daily from Europe. *Signed*, Beville Granville. *Endorsed*, Reed. June 24, Read July 1, 1706. 2 pp. *Enclosed*,

245. i. J. Yeamans to Governor Sir B. Granville. Antigua, March 25, 1706. *Gives news* of the descent of the French fleet upon Nevis [see June 3]. We expect to be the next attack'd, and that very soon. 'Tis much to be doubted succors from England will come too late, and except this Island be reinforced by throwing in what men your Excellency can speedily part with to our assistance, we may fall a sacrifice with the rest; which may prove of that evil consequence as to encourage France to attempt Barbadoes itself, *etc.* *Signed*,

1706.

Jno. Yeamans. *P.S.*—The Commander in Chief lately went hence with the Queen's troops in hopes to throw both them and himself into Nevis, to the assistance of our friends there, but we have reason to judge that Island's so begirt with the enemy that it's altogether impracticable. I pray the sloop may be dispatch'd with an account of what wee may depend on. If the fleet should arrive from England sooner than expected, or whensoever they do, I pray yor. interest in hast'ning them to us. *Copy.* 2½ pp. [*C.O.* 152, 39. *Nos.* 109, 109.i.; and 28, 9. *Nos.* 46, 46.i.; and 29, 10. pp. 71–75; and (*enclosure 1 only*) 7, 1. *No.* 9.]

April 7. **246.** Same to Mr. Sec. Hedges. *Repeats part of preceding.*
Barbados. This Island is in no condition to spare any men to help others, and it will be found difficult enough for it to defend itself, etc. But how great soever our disadvantages may be, my confidence is no less in the blessing wch. has ever so signally attended H.M. arms, etc. *Signed,* Bevill Granville. *Endorsed,* R. June 23. 2 pp. [*C.O.* 28, 38. *No.* 47.]

April 8. **247.** Same to Governor Handasyd. *Forwards* letter from
Barbados. Antego, and news of 12 sail sighted on the 6th off Barbadoes. If this is the reinforcement from France expected at Martinique, the French have a force in these parts which may be formidable to all the English Southern Colonies. I am perswaded they will make an attempt on this Island; it is not unlikely but that they may have an eye afterwards towards you, etc. *Repeats part of preceding.* I desire you to acquaint Sir Wm. Whetstone, etc. *Signed,* Bevill Granville. 1 p. [*C.O.* 28, 38. *Nos.* 48, and (*duplicate*) 48.i.]

April 8. **248.** Council of Trade and Plantations to the Queen. Having
Whitehall. received letters from New York and New Jersey relating to Col. Ingoldesby's two Commissions as Lieut. Governor of New York and New Jersey [*see* Nov. 10, 1705], we do find that the execution of the said two Commissions does cause disorders and differences in those Governments with regard to the Governor in Chief and otherwise. Upon the surrender of the Government of New Jersey to your Majesty, the Governor in Chief of New York, was, by a distinct Commission, constituted Governor of New Jersey, and whereas the Governor of New York does most reside at New York and, upon the occasions of his being absent from thence to visit the Jerseys, there is a President and Council in New York for the dispatch of business there, we are humbly of opinion that your Majesty's service no ways requiring that there be a Lieut. Governor of New York, [and] that therefore the Commission to Col. Ingoldesby as such be revok'd. And whereas we do find that notwithstanding his being Lieut. Governor of New Jersey, where it will be his duty to reside, he is not as yet appointed of the Council there, we are humbly of opinion

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that your Majesty be pleased to appoint him of ye said Council.
[C.O. 5, 1120. pp. 447-449.]

April 9.
Whitehall.

249. Council of Trade and Plantations to the Board of Ordnance. Enclose account of the Ordnance and stores in the Leeward Islands (*see* Sept. 17, 1705). [C.O. 153, 9. p. 325.]

April 9.
D.D.
Commons.

250. Sir John Cooke to Mr. Popple. *Reply to March 19.* I conceive that the Laws of War and of Nations do prohibite such trade, and such prohibition seems to be contained or implied in H.M. Declaration of War, May 4, 1702; "We strictly forbid all our subjects to hold any correspondance or communication with France or Spain," etc. Nevertheless ye Queen may by contrary Declaration and Instructions allow such Trade, so as the same shal not be interrupted by any English ships of war or privateers, as H.M. was pleased to do in respect to Spain, by her Instructions Jan. 29, 1704, wch. I think was in time precedent to ye passing of ye Bill to ye same effect. However, I conceive that unlesse ye States General can be brought to consent to such trade, the goods so sent will be liable to their seizure and confiscation according to ye Laws of Nations: as the effects of their subjects were here, notwithstanding ye permission they had from ye States General, till H.M. was pleased to allow thereof. *Signed, J. Cooke. Endorsed, Reed.* Read April 18, 1706. 1 p. [C.O. 5, 1315. No. 25; and 5, 1362. pp. 31, 32.]

April 10.

251. Capt. Gardner to the Council of Trade and Plantations. *Encloses following.* The power of doing Governor Handasyd and his Regiment the service he might reasonably expect from his Agent, was intirely taken away from me by his establishment, by wch. the Government has the sole directions and remition of pay there, etc. *Signed, Ro. Gardner. Endorsed, Reed.* Read April 24, 1706. *Addressed.* 1 p. *Enclosed,*

251. i. Paymaster General to the Lord High Treasurer. The uncertainty of the arrival of Bills drawn here, and the great time taken in Jamaica for payment of them has occasioned great disappointments and delays in subsisting the forces there. *Proposes* that, instead of advancing the subsistance for 6 months upon Bills drawn here, the same may be issued monthly and paid over by the Agent of the Regiment to some person who shall lodge a credit in Jamaica, which Mr. Kent, on behalf of Col. Knights and Sir Gilbert Heathcote both offer to perform at a profit of 18*l.* p.c. to the Regiment in the exchange. *Signed, J. Howe.* March 16, 1706. *Copy.* 1½ pp. [C.O. 137, 7. Nos. 22, 22.i.; and 138, 11. pp. 455-460.]

April 11.
Kensington.

252. Instructions to Major Lloyd, Commander of the Garrison at St. Johns. You are to let the Commodore of the Convoy for the time being at all seasonable times to inspect

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and take an acct. of the stores, ammunition and provisions there, as also to deliver unto him a muster-roll and muster the garrison before him, *etc.* No person is to be listed into our pay by you in Newfoundland, except in cases of the greatest necessity, whereof you are to give an acct. to our Capt. General. Neither you nor any other officer is to carry on any trade in Newfoundland *etc.* *Signed, A.R.* [C.O. 324, 30. pp. 72, 73.]

April 11. **253.** The Queen to the Commander in Chief of the Convoy
Kensington. at Newfoundland. Whereas by the want of good discipline among our subjects in Newfoundland the French were encouraged the last winter to make an incursion into severall harbours thereof, where they committed great spoil, *etc.*, and Wee being willing to provide for the better defence of such of our subjects as remain there during the winter, Wee do hereby give you and such as shall be appointed by you full power and authority to constitute a Militia in the severall Harbours Coves and Creeks of that Country wch. shall be inhabited, and to appoint such and so many of the inhabitants as shall be judged by you to command the said Militia, *etc.* The Commander of the Garrison is to be aiding and assisting them, and the Militia him. *Counter-signed, C. Hedges.* [C.O. 324, 30. pp. 74, 75.]

April 11. **254.** Instructions to the Commander in Chief of the Convoy
Kensington. at Newfoundland. You are to publish the *preceding* Declaration for raising a Militia in the first harbour where you shall arrive, and cause it to be done in the others. You are to inspect the stores and garrison of the Forts and report thereupon, and also as to whether any of the officers trade *etc.* And whereas We judge it conducing to ye safety of our subjects remaining in Newfoundland that they do inhabit as near as may be together during the winter and the present warr, you are to admonish them, and endeavour to perswade them in the severall harbours, creeks and coves distant from St. John's Harbour, to transport themselves and their families with the most valuable and portable goods to St. Johns, where besides their own united strength they will have the protection of our Fort and Garrison, *etc.* *Signed, A. R.* [C.O. 324, 30. pp. 75-78.]

April 11. **255.** W. Popple, jr., to Mr. Perry. The Council of Trade
Whitehall. and Plantations desire to know whether any tobaccos are exported from England to Portugal and Spain. [C.O. 5, 1362. p. 32.]

April 11. **256.** Order of Queen in Council. Revoking Col. Ingoldesby's
Kensington. Commission as Lt. Governor of New York, and appointing him of the Council of New Jersey (*see* April 8. Set out, *N.Y. Docs. IV.* pp. 1174, 1175). *Signed, Chris. Musgrave. Endorsed, Recd. Read* April 24, 1706. 2 pp. [C.O. 5, 1049. No. 13; and 5, 1120. pp. 452-454; and 5, 980. No. 36.]

April 11. **257.** Council of Trade and Plantations to the Queen.
Whitehall. *Recommend* 2 Acts of New York (*see following*) for H.M. approbation. [C.O. 5, 1120. pp. 449, 450.]

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April 11. **258.** Order of Queen in Council. Ratifying Acts of New
Kensington. York, for explaining an Act for settling the Ministry, etc. and
enabling William Bradford to sell the estate of John Dewsbury
decd. etc. Signed, Chris. Musgrave. Endorsed, Reed. Read
May 7, 1706. 1½ pp. [C.O. 5, 1049. No. 15; and 5, 1120.
pp. 464, 465.]

April 11. **259.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. We are preparing a report upon Mr. Quarry's proposals
(Feb. 22 etc.). H.M. Envoy in Holland may make the enquiries
he suggests concerning tobacco there. And whereas he proposes
that liberty be obtained for H.M. subjects to send tobacco to
Narva etc. without being molested by the King of Sweeden's
men-of-war, we are humbly of opinion that Instructions be sent
to H.M. envoy at the Court of Sweden for obtaining that leave,
if possible, since otherwise those parts, which have been usually
supplied with tobacco from England, will find out another market
for the furnishing themselves with that commodity. *Autograph
signatures.* 2 pp. *Annexed,*

259. i. Extract of letter from Col. Quarry, April 2, 1706. 1 p.
[C.O. 5, 3. Nos. 30, 30.i.; and (without enclosure) 5,
1362. pp. 28, 29.]

April 11. **260.** W. Popple, jr., to Col. Quarry. Asks for further details
Whitehall. upon his proposals for the tobacco-trade (April 2). Encloses
Memorials from Liverpool and Whitehaven (April 11, Mar. 8)
for his observations "as soon as may be, the Western merchants
being intirely of a contrary opinion to yours." [C.O. 5, 1362.
pp. 30, 31.]

April 11. **261.** Mr. Perry to W. Popple. Gives details as to Continental
London. tobacco trade. Signed, Micajah Perry. Endorsed, Reed. Read
April 18, 1706. Addressed. ¼ p. [C.O. 5, 1315. No. 26; and
5, 1362. pp. 34, 35.]

April 12. **262.** Mr. Popple to Thomas Allen. Encloses the Attorney
Whitehall. General's opinion, March 23. [C.O. 5, 912. pp. 132, 133.]

[April 12.] **263.** Capt. Daniel Johnson, the younger, to [?]. Prays an
order to be directed to the Governor of Bermuda to deliver the
goods (*enumerated*) of himself and his father, on account of the
Royal African Company, detained on pretence of his running
away with the *Christopher*, lately belonging to that Company, and
a like order to Edward Chester, or other Agent of the Company
at Antego. Endorsed, Ap. 12, 1706. [C.O. 37, 28. No. 1.]

April 12. **264.** Mr. Popple to Attorney and Solicitor General. Encloses
Whitehall. letter and Address upon the Bahama Islands, April 3. The
Council of Trade and Plantations desire your opinion what may
be fittest to be done in Law for H.M. taking the said Islands
into her own hands, in order to secure the same to the Crown,
and for recovering the trade of H.M. subjects in those parts.
[C.O. 5, 1291. p. 359.]

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April 12.
Whitehall.

265. Mr. Popple to Attorney and Solicitor General. *Encloses* letter and Address, April 3, for their opinion as to what method in Law is proper to be taken for the relief of H.M. subjects in Carolina and the protecting them in their just rights. [C.O. 5, 1291. p. 360.]

April 12.
London.

266. Mr. Dummer to Mr. Popple. Gives sailings of the West India packet. Out and home 107 days. Describes the loss of the *Barbados* packet upon the corral shoals of Hineago Isle, Dec. 28, and subsequent plundering by a privateer. These are losses oweing entirely to the carelessness, want of conduct, or courage in the seamen, for ye vessels are of all others without exception, and will doe what a man pleases. However, I am not discouraged, and these accidents show at the same time the means that will prevent them *etc.* Signed, E. Dummer. *Endorsed*, Recd. Read April 15, 1706. *Addressed*. 1 p. [C.O. 323, 6. No. 4.]

April 12.
Whitehall.

267. Council of Trade and Plantations to Governor Parke. Having had under consideration an Act past at St. Christophers 1704, entituled an Act *for subjecting that part of the Island which was formerly called the French ground to the Civil Government*, we send you the same here inclosed, together with Col. Johnson's reasons for not affixing the seal thereunto, which we neither approve of, nor of his not affixing the seal to the Act after he had past it in order to the registering and publishing of it; we desire you therefore upon your arrival to give directions that the seal be affixed to the said Act, and that it be registred and published there that it may immediately be in force and then transmitted to us with your opinion thereupon for H.M. allowance or disapprobation thereof. And whereas we are informed the inhabitants in the Leeward Islands are under a mistake in conceiving that no laws made there take place or are in force untill they are confirmed by H.M., we desire you would make them sensible of their error, and let them know that all laws after they have been past by the Governour in Chief, sealed, registred, and published, are in force and ought to be put in execution till H.M. signify her disapprobation thereof. [C.O. 153, 9. 326, 327.]

April 15.
Whitehall.

268. Council of Trade and Plantations to Mr. Sec. Hedges. *Enclose* extracts of letters concerning a considerable French force in the West Indies. *Autograph signatures.* *Endorsed*, Read Apr. 16, 1706. 1 p. [C.O. 318, 3. No. 29; and 138, 11. pp. 453, 454.]

April 15.
Whitehall.

269. Mr. Popple to Mr. Attorney General. *Encloses*, for his opinion, Act of Jamaica, Oct. 30, 1705, *to provide an additional subsistance for H.M. officers and souldiers etc.* [C.O. 138, 11. pp. 454, 455.]

April 16.
Nevis,
Mrs. Stanley's.

270. [?] — to John Tonstall. Dear Friend, Since mine per last packet, with the relation of the misfortunes of

1706.

St. Xtophers, I have a more dismall and dreadfull story of my own to relate, which requires that thou summonest and mustereest together thy best and strongest Reason to bear up and support thee under, for it is the grievousest shock of mischief Fortune had in her power to smite both thee and me withall *etc.*, *etc.* *Describes the French invasion* [see June 3]. They deceived us and stole their landing at Green Bay and thereabouts. The major part of our forces were quite the other side of our Island, beyond Cades Bay. . . . Upon the hill above the Bath plain our handful of men ingaged them very smartly for some time, doeing them considerable mischief; in which ingagement Col. Daniel Smith (would to God we had had a number of such men) was shot in the right shoulder, *etc.* At Mr. Bevon's morning star in an open field, under noe cover, we ingaged the main of the enemy, 3,500 men (a peice of the greatest fool hardyness that ever people were guilty of) here was a very warm dispute, and we knock'd downe three pair of their collours out of twelve that marched against us. They shott dead upon the place Major Wm. Child, and Mr. Lawrence Broadbelt had his leg broke with a musquet ball close by me. When our people had got enough of it here, they retired to the Deodand [see C.S.P., 1699. p. 463] and Col. Wm. Butler in the way sett fire to his owne house, where was a great quantity of goods belonging to the adjacent inhabitants burnt. In the Deodand we mett some of our Grandy men, and the main of our own forces, which ought to have joined us and fought but thought better to secure themselves, wives and children in this safe retreat, where we was to fight it to the very stumps; but as the Devill and some of our Grandy men would have it, on Sunday morning, when the enemy march'd boldly up to us, and by the strength of the place we had ten to one against them, we surrendered the place and Island in great hurry without firing a gun *etc.* I would not have you be too forward in defending the behaviour of some of our Grandees, for they do not deserve it, and time will tell you who they are, though now you would little suspect them. The brave behaviour and defence [of the negroes in the mountains] shames what some of their masters did, and they do not stick to tell us so. The French since they have us under those rediculous conditions make a jest of them *etc.* [as June 3]. Having got the four hostages, Thomas Abbot, Joseph Stanley, Phillip De Witt and Charles Earle, they thought fitt to take their leave the 10th inst. at night somewhat in a hurry, haveing news by one of their spy-boats of a squadron of 14 tall ships off of Barbados, since proved to be a squadron of their owne. . . . Had we made any resistance at the Deodand, the French own that they would have given us very honourable conditions. M. Chavanac, who commanded at St. Kitts, is a much more civilized man than M. D'Iberville. Mr. Charles Bridgwater was marryed not an hour before the alarm guns were fired, to the best fortune here, Mrs. Bartlet, but had the displeasure to see it all destroy'd before he injoy'd his bride, so precarious is the riches of this world. It is impossible H.M. Dominions in this part of the world should be preserved

1706.

and kept unless H.M. will guard us with a sufficient strength by sea and a necessary supply of forces by land, which God put in her heart to doe, else most of her Islands will be abandoned by the inhabitants. It is to be hoped notice will be taken of our people's being imprisoned, almost starved and barbarously used, contrary to the Articles and the usage we alwayes give to their prisoners of war. 4 pp. [C.O. 184, 1. No. 17.]

April 16. **271.** Col. Quarry to W. Popple. I hope to dispatch my
Plymouth. reply (to April 11) by the next post *etc.* Signed, Robt. Quarry.
Endorsed, Recd. Read April 24, 1706. *Holograph*. 1 p. [C.O. 5, 1315. No. 28; and 5, 1362. p. 36.]

April 16. **272.** Council of Trade and Plantations to the Lord High
Whitehall. Treasurer. Enclose accounts of the Board (see March 25).
[C.O. 389, 36. pp. 313-315.]

April 16. **273.** Mr. Secretary Hedges to the Council of Trade and
Cockpitt. Plantations. Col. Quarry having given a further memorial to
my Lord High Treasurer concerning the Tobacco Trade, I desire
your further thoughts upon that matter. Signed, C. Hedges.
Endorsed, Recd. Read April 18, 1706. 1 p. [C.O. 5, 1315.
No. 27; and 5, 1362. p. 35.]

April 17. **274.** Lt. Gov. Johnson to [? Mr. Secretary Hedges]. I was
Antigua. sealing up a long letter to your Honour, intending to dispatch
away the packquett immediately to Col. Handesyde, that he
might be early upon his guard. But I am now forc't to alter
my stile and measures, one of our spy boats just now return'd
and brings us assurance that the French have quitted Nevis,
and withall not only a very melancholy account, but a very
different one from what exspected. Not knowing yet what is
become of the enemy, I doe not think it proper to goe from this
Island. I could wish the enemy had mett a warmer reception,
the Commander there is known to be as good and gallant a man
as any in H.M. Colonys, where the failure has been I shan't yet
pretend to determine. M. D'Iberville stood up to windward,
when he left Nevis, and wee are well assur'd M. D'Casse is arrived
with 14 sail att Martinique. I am endeavouring here to be as
well prepar'd as 'tis possible with a handfull of men, for if the
enemy be still to Windward, 'tis very probable they will make
us a short vissitt, tho such a force be by much to considerable
to be cheifly design'd against these weak Colonys, *etc.* Signed,
Jon. Johnson. *Endorsed*, R. June 23. 1½ pp. [C.O. 7, 1.
No. 11.]

April 18. **275.** Capt. Dunbar to Col. Thomas Whetham. This is to give
Nevis. you a melancholly account of the destruction of the poor little rock
of Nevis [see June 3]. The Dodang [see No. 270] is surrounded
by a deep gully on one side and a steep woody mountain on the
other, but neither provision of any kind, water or ammunition,
their coming was so sudden *etc.* Describes his protests against

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M. D'Iberville's hard usage of the prisoners of war. Nobody has saved anything. *Repeats* June 3 and April 16 *etc.* *Signed*, David Dunbarr. *Addressed.* 3 pp. [C.O. 184, 1. No. 18.]

April 19. **276.** Agents of Mr. Skene to the Council of Trade and Lyme-Street. Plantations. Enclose *following*. By reason of the miscarriage of the two packett boates which left Barbadoes in Nov. and Dec., we believe some of his answers have been lost. *Signed*, Tho. Foulerton, Row. Tryon. *Endorsed*, Recd. April 20, Read May 1, 1706. *Addressed.* $\frac{1}{4}$ p. *Enclosed*,

276. i. Answer of A. Skene to so much of the information against Governor Sir B. Granville as relates to himself. Neither informants nor any other persons preferred any complaint against him; he has, on the contrary, been commended for the execution of his office. (1) As to his taking an annual fee of 17s. 6d. for the Governor's license for a ship to sail, he took only the usual 5s., but sometimes when employed to draw a petition for a master of a ship, as he was for Bayley and Keyes, then he charged the usual fee of 12s. 6d. for that office. He never exacted either for himself or for the Governor any unlawful or unusual fees, *see following*. (2) He was in no way an accessory in the carrying off of Mr. Lee. He was only called from his house to suppress a riot. (3) The deposition of Guy Ball (1705. No. 657) is untrue. The Governor gave no order for stopping the ships, only did not oblige those to sail which were not ready. *Signed as preceding.* 2 pp.

276. ii. Certificate by Governor Sir B. Granville that the *following* is sworn a true copy. *Signed*, Bevill Granville. $\frac{1}{2}$ p.

276. iii. Copy of proceedings at a Court of Oyer and Terminer of Barbados, Dec. 11, 1705. Court House, Egginton's Green, St. Michael's Town, Wm. Holder, Edward Burke, Christopher Warren, Richd. Brewster, Thomas Alleyne, Charles Buckworth, John Holder, Robert Hackett, Simon Lambert, John Merring, Thomas Prideaux, Thomas Afflick, Dudley Woodbridge, Wm. Allamby, Robert Stillingfleet, Giles Theyer, Peter Mascoll, Zachary Shute, Hugh Hall, John Rushworth, Alexander Cuninghame, William Shuller, of the Quorum. Jury empanelled Dec. 12, vizt.—Wm. Phillips, James Browne, Wm. Harmer, Thomas Barry, George Lindsay, Robert Allanson, John Howell, Robert Nurse, John Calvin, Joseph Thorne, Henry Williams, Bennett Reese. Information of Wm. Rawlin against Alexander Skene for procuring the carrying off of Francis Lee, and for taking illegal fees from Keys, Baylie and Ball, *etc.* Their depositions quoted and that of Alexander Arnott, and Minute of Council Nov. 21, 1704. Skene was acquitted. *Endorsed as letter.* 16 large pp.

276. iv. Certificate of the Council and Assembly of Barbados in favour of Mr. Skene. He has always regulated himself

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- by the knowne rules of his office *etc.* 23 signatures.
Same endorsement. 1 p.
276. v. Certificate by Governor Sir B. Granville that the following were sworn to as genuine. *Signed*, Bevill Granville. 1 p.
276. vi. Deposition of Mr. Arnot, that Skene assisted to suppress a riot. An attack was made at night upon the house of John Morris. Lt. Wanley arrested Francis Lee. *Signed*, Alexr. Skene. June 23, 1705. 1½ pp.
276. vii. Copy of Warrant for apprehending above mentioned rioters. Nov. 25, 1704. *Signed*, Alexander Skene. *Endorsed as letter.* 2½ pp. [C.O. 28, 9. Nos. 39, 39.i., 40-43, 40.i., 42.i.; and (letter and enclosure i. only) 29, 10. pp. 50-57.]

April 19.

277. John Graves to the Council of Trade and Plantations. I sailed from Portsmouth *on the feast of St. Michael*, 1703, in the *Providence*, Jos. Blagdon, master, for New Providence, having on board Edwd. Birch, the Governor of the Bahama Islands. We got into Providence Harbour Jan. 1st. Four brigantines driven off their course put in there. There is a Fort about the bigness of the Royal Exchange, having about 40 great guns, and 150 men fit to bear arms, besides about 250 other souls. When the enemy came they brought with them 4 or 500 men in severall vessels, and having taken some prisoners, forced them to pilot their ships into the Harbour, where landing they found no resistance, nor was any of the inhabitants destroyed at that time, except only one man, who was killed, and another had his hand cut off. However, before they attempted the Fort, they made a halt and by threatening their prisoners, found there would be no resistance, so proceeded and carryed all before them. The French Capt. and the Spaniards declared if anybody had appeared in the Fort, and fired but one gun, they would never have attempted it. Before they went off, they burn't the town and Church to ashes, except 2 or 3 sorry houses where the French and Spaniards kept their prisoners; they broke the carriages of the great guns and spiked up most of them, some they tossed over the walls and some they threw down into ye Fort, 2 or 3 were burst to peices. They plundered in gold, silver, slaves *etc.* to the value of 30,000*l.*; and in Sept. following they came and carryed off more plunder and 40 slaves. Besides said damages, I have had no particulars, only that the gates of the fort were broke down, and made a small breach in the walls of the eastermost part of the Fort, which by very great rains that fell some time before I came off were for about 40 ft. much damnified. And here desire to take notice of an accident, which contributed greatly to the enemy's success. Mr. Ellis Lightwood, a Gentleman of a considerable estate in that Island, having made great rejoycings and kept open house for the birth of a son, so that almost all the defensible men being at his house on that occasion, were got drunk, and hardly in their beds when the enemy landed; this made their enterprise very easy, none

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being in a condition to oppose ym. . . . In June, 1704, I went in a small sloop a cruizing, being informed that 2 or 3 vessells from Curaçao was amongst the Islands trading with their dry goods for our commodities. I found at Exuma Islands about 90 souls, I crossed the Channel to Columbus *alias* Cat Island, found there at several places about 120 souls, upon Elutheria at least 160, upon Harbour Island 60, and return'd in July. On Aug. 3 the Spaniards came in a gally with 65 men, they lay to the eastward and took one of our small sloops that was coming to Providence from Carolina, and made the prisoners pilot them in before day and took us in our beds; at which time there was not above 20 men on the Island, and some of those at 20 miles distance: their usage to me was very cruell, not leaving me a shoe to my foot or more cloathing than would cover my nakedness, and the next day most barbarously used me. Dec. 18 I went to Carolina, where I found our Governor, who had been there 2 months before I arrived. I left upon the Island 27 families, and amongst all the Islands at least 4 or 500 people that are scattered some 200 miles distance, so yt. in a little time they will be worse than the Wild Indians, and at the best they are very ready to succour and trade with Pirates; they have 12 or 14 small sloops amongst them, that escaped the enemy, so that unless H.M. give immediate protection, it will become a second Madagascar. For my Lord Granville has declared that they cannot send strength sufficient to protect the people, or to support the Governor's power in putting the Laws in execution against offenders. What will be requisite to revive the Colony and make it a flourishing place of trade is as follows:—100 soldiers to be kept in garrison. One small man of war and a yatcht or sloop to cruise amongst the Islands in search of pirates and to prevent unlawfull trade. 200 spare arms, 2 mortars for 6 inch shell, 4 hand-mortars for hand granados, carriages and stores for 40 great gunns, which are already there unmounted. All manner of tools for procuring stone and timber for building fortifications and barracks, and some long oars for sloops. Provisions for a year. Please to note that only Providence was destroyed and plundered; that provisions have been for 20 years past at very high rates, vizt. mutton, veal, pork and goat at 9d. per pound, beef, fresh and salt, at 6d., eggs 1½d. each, butter 18d. per lb. milk 6d. per quart, and other things proportionable, excepting fish and turtle. But, in few years, with good management, and the use of means that are to be found out, provisions may be had cheap and in plenty, and H.M. eased of most if not all the charge wch. this place at present requires to resettle it, and will prove as good a place of trade as most in the Indies. *Signed,* Jno. Graves. *Endorsed,* Reed. Read April 19, 1706. 7½ pp. *Enclosed,*

277. i. Copy of Petition of the Inhabitants of Providence to John Graves, H.M. Chief Officer of Customs there. Nov. 30, 1704. Whereas we are informed by Thomas Simpson that Edward Byrche, our Governor, is departed for South Carolina, declaring before he went that he

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found the people would not doe anything towards settling the Government, and that he would leave them as he found them, we, finding ourselves in a deplorable condition, not having any head during his absence, and severall Spanish prizes being now in this Harbour brought in by Capt. Thomas Williams, by a lawful commission from Governor Sir N. Johnson, which can no ways be lawfully condemned, nor we receive our just debts from Capt. Williams' company, who are most inhabitants of this Island, and that our wives and children are in a manner starved for want of cloathing and provisions, being very lately barbarously plundered by the Spaniards of all they had, not leaving to some a shift to cover their nakedness, and we having no prospect of relief without the condemnation of these prizes, wee therefore request you to take the administration of this Government upon you with the advice of a Council conven'd as nigh as possible to the Lords' concessions, till the return of our Governour *etc.* *Signed*, Richd. King, Timothy Marsh, Peter Courent, James Simes, John Nuball, John Caverly [*sic*] jr., Edward White, Benjamin Watkins, Jonathan Thomas, Thomas Frith, Nathl. Simons, Mackell Tenes, Thomas Neiller, John Simes, John Staritan, senr. and jr., Nathl. Staritan, John Pinder, John Coverle [*sic*], John Somersell [*sic*], John Backer, Ed. Blay [*sic*], Jonathan Frist, John Bullock, John Burton, Thomas Williams, Malachy Salmon, Griffith Lewis, David Foise, Pieter (?), John Williams, John Jones, John Bunch, Samll. Johnson, James Maverick, Edward Minard, Jacob Fill, Razamnas Floyd, Luke Horton, Thomas A——, Nathaniel Garrell, Abraham Carlee, Sam. Kellnge, Samuel Townsend, Joseph Bullock, Joseph Minett, John Avery, William Gignos, James Glover, Jonathan Potter, John Loe, John Redwood. *Endorsed*, Reed. from Mr. Graves, Read April 19, 1706. 2½ pp.

277. ii. A Memorial: or, a Short Account of the Bahama Islands *etc.* Delivered to the Lords Proprietors of the said Islands and H.M. Commissioners of Customs by John Graves, Collector *etc.* and now humbly presented to both Houses of Parliament. Shows the value of the Islands and of the harbour of New Providence, which may prove another Tangere or Dunkirk, *etc.* I have solicited some merchants and find some willing to adventure to settle a factory to carry on the Spanish Trade, which is the most profitablest trade in the known world; but they query how their effects shall be secured. A man of war, a garrison and stores are wanted. A Governor cannot subsist on the ¼th part of your Lordships' Tenth, which sometimes does not come to 30l. per annum. War is no sooner ended, but the West Indies always swarms with Pyrats, and one large ship

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shall plunder the inhabitants when they please; one small pyrat with 50 men that are acquainted with the inhabitants (which too many of them are) will ruin that place, and be assisted by the loose inhabitants, who have hitherto never been prosecuted to effect for aiding them, nor is it in any man's power to do it without strength sufficient to put the laws in execution. Your Governors hitherto have wink'd much at such ill practices for filthy lucre. I hold myself oblig'd, as many years a tenant to your Lordships and 20 years a dweller in Providence, to inform your Lordships, that granting such Islands and other privileges from the Tenants in general to particular persons will be to the utter destroying the Colony. Anne Island, call'd Hog Island, to Nicholas Trott [see C.S.P. 1699, No. 810 and 1700. No. 250]. Now lately an Island call'd Exuma, which has the great salt-pond on it, to Henry Palmer, who was set at work by Trott to purchase it for their joint interest. Your Brazaletwood and all timber to Palmer. Your whale-fishing to another [see C.S.P. 1700. No. 250]. Fishing on racks to another. All which is contrary to your first condescensions to the first settlers, and your Instructions to Governors, so that it is not in your power to grant those privileges to any stranger or particular tenant. We have now been 20 years in war, and your Lordships, tho' often solicited, never did send us the least assistance in any warlike stores. Your poor Tenants having been so disheartened, and then harass'd, by ill Governors, may be imputed the main reason that place has so often suffer'd by the common Enemy; and now lately three times Plunder'd and lay'd in Ashes. *Printed.* 8 pp.

277. iii. Petition of John Graves to the House of Lords. The inhabitants of the Bahamas pray to be taken under H.M. protection. Set out, *H. of L. MSS.* New Series, VI. p. 412. *Signed*, Jno. Graves, Collr. $\frac{1}{2}$ p.

277. iv. A brief Memorial (*on the importance of the Bahamas*) presented to the House of Lords by, *Signed*, Jo. Graves. Set out, *H. of L. MSS.* VI. pp. 412, 413. 1 p. Nos. ii.-iv. *endorsed*, Recd. Read April 19, 1706. [*C.O.* 5, 1263. Nos. 102, 102.i.-iv.; and (*without enclosures* ii.-iv.) 5, 1291. pp. 361-370.]

April 20. **278.** Mr. Sec. Hedges to Governor Handasyd. *Acknowledges*
 Whitehall letters of Jan. 14 and Feb. 16 with rumours of French fleet. It
 (sent by ye fleet can't be imagined that France can spare many ships, having the
 commanded by utmost occasion for them nearer home, but you do well to be on
 Capt. Kerr). your guard, and it is not to be doubted but you will do your
 duty, you may be assured that all possible care will be taken
 for your assistance from hence. Capt. Kerr is directed to saile
 to Jamaica with the *Breda, Windsor, Sunderland, Assistance,*

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Dunkirk prize and *Hawke* fireship; and when he arrives there, to put himself under the command of Sir W. Whetstone, but in case he is dead, he, Capt. Kerr, is then to take upon him the command of the ships now at Jamaica, as also the *Crown* and *Sheerness*, which he is to carry from Barbadoes and the Leeward Islands, and then consider at a Council of Warr, how the squadron may be best employed, but more especially in the attempting the Spanish Galleons, which is particularly recommended to his care, but before he proceeds, he is to advise with you and the Council of Jamaica, what ships, if any, may be proper to leave there for the defence of that Island in his absence, and to desire of you and the Council what assistance you can give him, either as to men or shipping, for the better enabling him to perform such service as shall be agreed on. When the said service shall be over, he is to return the *Crowne* to Barbadoes, and the *Sheerness* to the Leeward Islands; and he is particularly directed to send the Trade from Jamaica to England under such convoy and at such time as shall be judged most proper at a Council of Warr. All which I acquaint you with, it being H.M. pleasure that you should afford him what assistance you can in putting his Instructions in execution, and particularly in intercepting the Galleons, wch. have lately so narrowly escaped Sir John Leake. H.M. has ordered the Secretary of Warr to lay before Her what post in the Army is your due etc. I think there can be no danger of your Regiment looseing its Corps. *Signed*, C. Hedges. [C.O. 324, 30. pp. 79, 80.]

April 20.
Whitehall.

279. Mr. Sec. Hedges to the Governor of the Leeward Islands. By letters from Sir B. Granville I find that H.M. subjects in the West Indies have been alarmed by reports of [p]reparations making by the French for some expedition in those parts, which we have reason to look upon as groundless, since it cannot be imagined that they can spare so many ships for such an enterprise, having so much occasion for their navall strength nearer home. However you will do well to be upon your guard, and you may be assured all possible care will be taken for your assistance from hence. H.M. is now sending a squadron of ships under Capt. Kerr, who is directed to proceed to the Leeward Islands with his own proper squadron, *as above*, as also the *Jersey* and *Crown* (if she timely joins him at Spithead) and the *Sheerness* and *Swan*. When he comes to the Leeward Islands, he is to inform himself of you and the Council what number of ships (if any) the enemy have in your parts, of what strength they are, and how they design to employ them. And if he is informed that they intend to insult any H.M. Plantations, or to make any new Settlement either at Tabago, or among any of the Leward Islands, he is to consider at a Council of war, what may be fitt to be done, and to desire of you and the Council of the Leeward Islands what land-forces you can be able to supply him withall. If the Council of War thinks it necessary that he should carry with him all or part of the ships that shall be at Barbadoes and the Leeward Islands (*i.e.* the *Kinsale*, *Maidstone*, *Experiment*, *Dolphin*,

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Jerzey, Crown at Barbadoes, and the Greyhound, Medway Prize, Sheerness and Swan at the Leeward Islands), he is to do it, but to return them to those Islands again, so soon as the service shall be over, and from the Leeward Islands he is to write to Barbadoes for the ships there, and for such land forces as can be spared from thence, he is also to go to Barbadoes, and to govern himself there in the same manner, and if he proceeds on service against the enemy directly from Barbadoes, to send to the Leeward Islands for the ships there and for such land forces as you can supply him with. You are to give him all the assistance you can *etc.* Signed, C. Hedges. [C.O. 324, 30. pp. 81, 82.]

April 20.
Whitehall.

280. Same to Governor Sir B. Granville. *Repeats preceding, mutatis mutandis.* Signed, C. Hedges. [C.O. 324, 30. pp. 82-84.]

April 20.
St.
Christophers,
Charles Fort.

281. Lt. Governor Hamilton to the Council of Trade and Plantations. *Repeats* letter of March 15. Since which the enemy have wholly subdued Nevis in two dayes, the particulars I suppose your Lordships have from Col. Abbott, *etc.* *Refers to enclosures and begs the Board* to represent the state of [St. Kitts] to H.M. that care may be taken to supply me, that so good a Colony and two of H.M. best forts in the West Indies, may not be lost for want of soldiers and ammunition to defend the same, for the Assembly have been put in mind of what was needfull for several years before I came to the Government, and very often since, they have often made fair promises, but could never see any performance: when the enemy were actually before Nevis for the first time, then I was forced to use all manner of means to get some provisions into the forts, and had barracks built with thatch in the forts after the enemy were actually landed, though the Assembly have been often put in mind of the ill consequence that attends thatched houses. As for the soldiers of the Regiment, I nor no other Lieut. Governor can have any dependance upon them, for sometimes detachments are ordered aboard H.M. ships of war, at other times drawn off to other Islands, as the Commander in Chief thinks convenient. I had now out of the three smal Companies that are posted in this Island 37 of the best men pick't out, and carried to Antigua, where they now are, and your Lordships are sensible what it is to defend a garrison with Militia that have constantly their wives and children bawling about them; I therefore hope that your Lordships will take it into your consideration, and represent to H.M. the necessity of having a constant good garrison and provisions to preserve two Forts, which if well provided, will be almost impregnable, and forever maintain H.M. Sovereignty in this so fertile and good an Island. I most humbly offer, that if two good independent Companies of 100, or itself of 80 men each, were here constantly in garrison it would put a mighty dread in the enemy, and hinder them not only from attempting the forts, but hinder the privateers from coming to almost any part of the Island, as they now sometimes do in some by-places to get off negroes, which can

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hardly be prevented, wee having very good bayes along shoar to land in for 24 miles together and impossible to guard every bay with so few men, and if anything of that kind should happen, those soldiers would at all times be ready at a minute's warning; whereas the Militia are a long time before they can be got together, too late for such a service. If a mortar or two for bombs were ordered in the Fort, in case any of the enemies shipping should come to batter, might prove of vast service, and an ingenier for some time to make some necessary works upon Brimston Hill etc. I am afraid I have trespassed in being so tedious, but beg your Lordships to believe it is out of a true zeal for H.M. service, and the preservation of the Colony I am intrusted with, however rudely I have been treated by some self-will'd, malicious person. *Signed*, W. Hamilton. *Endorsed*, Reed. June 24, Read July 1, 1706. 2 pp. *Enclosed*,

281. i. Account of Stores and Troops in St. Kitts, April 20, 1706. Total, 431 men, including 45 H.M. soldiers, etc. *Signed and endorsed as preceding*. 1 p. [C.O. 152, 6. Nos. 57, 57.i.; and 239, 1. Nos. 9, 9.i.; and (without enclosure) 153, 9. pp. 381-384.]

April 22.
Nevis.

282. Col. Abbott to [? Sir C. Hedges]. *Describes French invasion. See June 3, April 16 and 18.* The enemy stole a landing at Green Bay, where was posted Col. Burt and 30 men at Long Point, and Lt. Col. Butler and 40 men at Gualding's Point: the former leaving his post, and the latter not taking that due care as became him, was the occasion of our being surprised. *Complains* of the want of a Regulation of officers, not having Commissions, myself none, since the going out of Col. Codrington. Col. Johnson has not dun this Island the justice he ought, it being only one thretned. Platforms will not fight themselves, have occasion'd great expence to little purpose. I could never get 200 men at no time to face the enemy, and the chief officers constantly discouraging the men, 'twas impossible to doe anything, I meane the 2 gentlemen before-mentioned, never such pultrongs living. Could not pretend to fight their whole army myself, there was never such an immorigrous people ever hatch't etc. *Signed*, Rich. Abbott. *P.S.*—The principall inhabittants having made choyce of an Agent here, could not prevaile with the Commander of the Antigua packett, nor with Col. Burt, Deputy-Postmaster here, for an accommodation on board her, but was preferable to a common strumpit. The number of negroes the French have plunder'd is about half, and the greatest part of the menkind being now in our mountaines refusing to surrender their arms, wee being disarm'd by the enemy, are forced to let them take their own measures, which proves very pernicious to uss, by killing all our stock, soe that we shall be forced to dissert for want of sufficiencie. *Endorsed*, R. June 26. 3 pp. [C.O. 184, 1. No. 19.]

April 22.
Whitehall.

283. Sir C. Hedges to the Council of Trade and Plantations. Desires warrants for Col. Ingoldesby as April 11. *Signed*,

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C. Hedges. *Endorsed*, Recd. Read April 24, 1706. 1 p. [C.O. 5, 1049. No. 14; and 5, 1120. p. 455.]

April 22.
Bermuda.

284. Lt. Governor Bennett to Mr. Popple. A vessel this day arriving here from Antigua (the onely one permitted to come away) brought me a letter from an inhabitant there, dated March 30 last. I had not time to transmit it att large, but my brother has a copy thereof. The contents are, that "on Feb. 4 last appeared a French fleet consisting of 7 large ships, 3 brigan- teens and 20 sloops, who we believed intended to land on our Island, but the wind blowing very hard att East, they were forced to bare away for Nevis *etc.* *Describes attack on Nevis and St. Kitts.* On March 21 they appeared again to us with 52 sail of vessels, but they went to Nevis again, and has burnt and destroy'd that, and we daily expect them up here att Antigua." By the vessel that carries this to Virginia I have sent letters to the Governors throughout the Continent, that they may know the danger of letting vessels go to the Southward. I expect a visit from the enemy upon their return homeward from the Havanah in Aug. or Sept., for they must cross this latitude, but I shall be prepared for them, and will doe what I can to defend this place. *Signed*, B. Bennett. *Endorsed*, Recd. Oct. 15, 1706, Read March 14, 1707. *Holograph.* 1½ pp. [C.O. 37, 7. No. 38; and 38, 6. pp. 224, 225.]

[April 22.] **285.** Estimate of cost of a garrison of 100 centries *etc.* for the Bahamas. Total, 2,114*l.* 18*s.* 4*d.* per annum. *Endorsed*, Recd. from Mr. Killigrew. April 22, 1706. 1 p. [C.O. 5, 1263. No. 103.]

[April 22.] **286.** Similar estimate for a garrison in Port Royal, Carolina. The Proprietors' charge of the Civil List is: Governor 200*l.*, Secretary 70*l.*, Judge of Common Pleas 60*l.*, Naval Officer 40*l.*, Surveyor General 100*l.*, Receiver General 80*l.* Total, 610*l.* *Endorsed as preceding.* 1 p. [C.O. 5, 1263. No. 104; and 5, 1291. p. 371.]

[April 22.] **287.** An account of the commodities which Carolina and the Bahama Islands do or may produce. Should I write the description of Carolina with all its Beauty, health, fullness and product it is capable of, it would not onely swell to a vollume, but would look like a romance *etc.* Carolina produce:—Pott ashes, rice, the best yett known, hemp and flax twice a year, cole seed, rape seed, and lindseed oyles, pitch, tarr, rosin, turpentine, safflower for dyes, tobacco as good as Spanish, silke twice a year, tallow hides, deer and other skinns, almonds, raisins, dried grapes, figgs twice a year, tea better than Bohee tea, prunelles and other plumbs yt. now come from France; olives thrive to a miracle; mulberry wine, whale fishing; delicious peaches of 24 ounces from which are made rare wines and excellent brandyes, and when dried are an exceeding good sweetmeet, tho' at present many are given to ye hoggs by reason of ye plenty;

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green wax in great quantities, being ye product of ye mirtle berry, cochoneal lately found and may be propogated; druggs for dyers and apothecaries too numerous to name. All sorts of timber. The Carolina trade with ye Leeward Islands is at present: Corne, twice a year, Beef, Porke, Potted venison and fowle, Beeffe, Soap, Candles, Butter, Cheese, Pipe staves, Boards, Planks, Timber for houses and mills and sugar works, Spiritts of severall kinds from fruits. The Bahamas product and trade is, or may be: sugar, indico, ginger, cotton, kidd-skins, cocoa, oranges, lemmons, pomgranates, brazilletto wood, spermacæta whale, amber-grease, tortoise-shell. Dates will thrive to a miracle. The thick-wrind gitterne tree, from whose fruit and flower is made so delicious a drink yt. it is (tho made at Barbados) sold there for 8s. a quart. Salt in vast quantities, etc., etc. *Endorsed as preceding.* 2 pp. [C.O. 5, 1263. No. 105.]

April 23.
Boston.

288. Governor Dudley to the Council of Trade and Plantations. Ten days since I received your Lordshipps' letters, and the duplicate of Oct. 29 last, with the inclosed accounts of Mr. Dummer's packet boats, and the Assembly of the Province being sitting, I communicated the same with all advantage, and at their next meeting I suppose they will offer something thereupon. *Refers to previous letters.* I have nothing to add by this uncertain conveyance, but that every thing is well here. I have had no trouble from my French and Indian neighbours this winter, they have no habitation nor planting within the lines of these Provinces, which I have destroyed in the two years past, and their marches are now so long, about 300 miles, and they have been so often disappointed, that I believe I may be at ease from them, but dare not abate of my forces, which burthen the Province with a very great charge, but they have not yet accounted it heavy, being perfectly satisfied with the just and thrifty expence thereof, which makes me easy with them. I humbly pray your Lordships will represent my service herein to H.M., and if I can approve myself herein, I am well rewarded for all the fatigues I have taken etc. *Signed, J. Dudley. Endorsed, Recd. 6th, Read July 15th, 1706. 1 p. [C.O. 5, 864. No. 68; and 5, 912. pp. 178-180.]*

April 23.
Plymouth.

289. Col. Quarry to Mr. Popple. *Encloses reply to the Merchants of Liverpool.* I will finish my reply to the Whitehaven merchants by the next opportunity. I beleive wee shall sail in the morning. *Signed, Robt. Quarry. Endorsed, Recd. Read April 29, 1706. Holograph. 1 p. Enclosed,*

289. i. Col. Quarry to the Council of Trade and Plantations. Confirms his remarks upon the Continental Trade in Tobacco. (Feb. 22.) Plymouth, April 21. *Signed, Robt. Quarry. 2 pp.*

289. ii. Reply to the Merchants of Liverpool, April 6. (1) Maryland is certainly later than Virginia, but there is no tobacco out after Oct., which gives the planters at least 7 months to strip and pack their tobacco before

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May. But this being a matter of fact, I appeal to the Assemblies. (2) The merchants will have at least 7 months to sell their goods and purchase their loading. There would be no glut, the ships not being confined to any one place. Anyhow the Planters have only one crop a year. (3) This tender concern for the poor planters happens very unseasonable, for the very last year the persons employ'd by these very Gentlemen took the advantage of the poor planters' necessity and forced them to part with their tobacco for $\frac{1}{4}$ d. per lb. (4) It was not the quantity that came in the first fleet, but the expectation of others to follow that lowered the price of tobacco here. (5) The ships are generally made up at Kiquitan or Lynhaven Bay and a N. wind will bring all the ships from every river *etc.* Plymouth, April 23, 1706. *Signed*, Robt. Quarry. 4 *closely written pp.* [C.O. 5, 1315. Nos. 30, 30.i., ii.; and 5, 1362. pp. 53-63.]

April 24. **290.** Council of Trade and Plantations to Mr. Secretary Hedges. *Enclose following. Autograph signatures. 1 p. Annexed,*

290. i. Draft of warrant for Col. Ingoldesby's Commission *etc.* (see April 11 and 22 and *N.J. Archives* 1st ser. iii. 146). [C.O. 5, 980. Nos. 37, 37.i.; and 5, 1120. pp. 456-458.]

April 24. **291.** W. Popple to Mr. Attorney and Solicitor General. *Presses for reply to letters of April 12.* [C.O. 5, 1291. p. 374.]

[April 24.] **292.** Mr. Graves to the Council of Trade and Plantations. Suggestions as to what is needed to put New Providence into a state of defence. *Signed*, Jno. Graves. *Endorsed*, Reed. Read April 24, 1706. 1 p. [C.O. 5, 1263. No. 106; and 5, 1291. pp. 372-374.]

April 26. **293.** Virginia Merchants to the Council of Trade and Plantations. In reply to queries. (1) It would be of the greatest advantage to our Plantations and encourage the merchants importers to bring home more tobacco *etc.* if H.M. subjects may have the same liberty to send our tobacco to France directly as the Dutch have *etc.* (2) As to some encouragement to be given for the manufacturing of tobacco in England. *Propose* that all tobacco used in the Navy or by our armies abroad be manufactured in England *etc.* (3) As to making the export of tobacco as easy to our merchants as possible, so as to be able to undersell the Dutch, an Act of Parliament will be required. (4) Liberty obtained from the King of Spain freely to import tobacco of the growth of our Plantations into his dominions to be freely sold there, which hath been of late years made difficult, notwithstanding a former Treaty, and from the King of Portugal at least the liberty to furnish our forces in his service, will be of

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great help to our Plantations by making the consumption far greater. (5) A speedy Treaty with the Czar for a free importation by all English subjects would give life to trade and support thousands *etc.* *Signed*, John Hyde, Tho. Wharton, John Linton, Isaac Millner, Tho. Coutts. *Endorsed*, Recd. Read April 26, 1706. $2\frac{1}{2}$ large pp. [C.O. 5, 1315. No. 29; and 5, 1362. pp. 37-43.]

April 26.
Whitehall.

294. Council of Trade and Plantations to Governor Sir B. Granville. *Acknowledge* letters of Oct. 22 and Jan. 22. We are glad that you found a better temper in the last Assembly than was in the former ones, and we hope that by your prudent management and equal administration of Justice, you will have composed the differences that have lately been in that Island. *Enclose* Order of Council, April 4, repealing Act *confirming titles*, to be entered in the Council Books. And for your better guidance in the passing of another Act of the like nature, we send you here inclosed a copy of Mr. Attorney General's report thereupon. We send you also an extract of our Minutes, March 18, 170 $\frac{5}{8}$, upon an Act *to keep inviolate the freedom of elections* (a copy whereof was delivered to Col. Clealand), by which you will know our opinion upon the said Act. Not having yet received from you such an account of stores of war as you were directed to transmit, Feb. 22, 170 $\frac{4}{8}$, we send you a copy of ye said letter, that you may take care that ye same be duly complied with. [C.O. 29, 10. pp. 46, 47.]

April 26.
Whitehall.

295. Council of Trade and Plantations to Mr. Secretary Hedges. *Enclose following*, to be laid before H.M. *Autograph signatures*. 1 p. *Enclosed*,

295. i. Council of Trade and Plantations to the Queen. Report upon convoys and tobacco trade of Virginia and Maryland. *Quote* Col. Quarry, April 2 *etc.* The merchants of London differ very much amongst themselves and from those of the Western Ports, for that some of them being only Factors and Agents for the Planters, and others being merchants, or purchasing tobacco in the country on their own behalf in exchange for goods by them imported thither, each gives his opinion according to the particular view and interest which he hath in the disposal of his tobacco. The merchants of London who trade for themselves would alwaies have the market open and therefore desire 2 convoys yearly, those who trade as Factors are satisfied with one. We are humbly of opinion that, with regard to the general security and advantage of the trade, and to the present occasions which your Majesty may otherwise have for your shipping, one convoy may suffice, which, as is generally agreed, may sail not later than Sept. *Reasons given*. This routine to commence Sept., 1707, and meanwhile one to sail in Jan. next. Ships from the Western Ports not ready to sail from England with the outward-bound convoy may go as

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best they can. After the arrival of the convoy in Virginia and Maryland, no ships to sail thence before its departure, without particular leave from your Majesty. Ships not able to come away thence with the convoy, by reason of their late arrival from England or other accidents, may be permitted to return without convoy. After the arrival of the convoy, one of the ships of war to remain during the winter season in the Rivers of Virginia, another in Maryland, and the rest, in case they arrive soon enough, before the setting in of the Frosts, to wood and water etc., and to cruize off of Barbados and the Leeward Islands, or elsewhere within the Tropics, as H.R.H. shal direct, for the better security of the trade of those parts which hath lately very much suffered by the enemy. *Quote* Sir J. Cooke [April 9] upon Col. Quarry's proposal that H.M. subjects have liberty to send their tobacco directly to France. We humbly represent that, whereas at present there is no commerce by English ships with France, your Majesty may permit newtral ships to load tobacco in England and carry the same directly to France etc. We have had proposals that all tobacco used on board your Majesty's Navy may be allowed the same drawback as for foreign exportation; but whereas the same may considerably diminish your Majesty's Revenue, we cannot advise the same, or that the tobacco for the Navy and Armies abroad be manufactured here in bright rolls, there being no law to inforce the same, besides the putting such of your Majesty's subjects as are in your immediate service under particular restraints. *Propose* that H.M. ministers at the Courts of Spain and Portugal press, as suggested by Col. Quarry, for free importation of tobacco etc., and as to Russia, that H.M. Orders to her Envoy be respited for a short time to enable the Contractors with the Czar to sell their stock. As to Sweden *repeat* Representation of April 11th. *Autograph signatures.* 13 pp. Set out in part, *Acts of Privy Council, II.* No. 1016, q.v. [C.O. 5, 3. Nos. 31, 31.i.; and 5, 1362. pp. 43-53.]

April 26.
Whitehall.

296. Council of Trade and Plantations to Lt. Governor Johnson. *Acknowledge letters* of Sept. 15 and 17, Nov. 3 and Jan. 29. We observe what you write in the first in relation to the fortifications etc. We approve of your care and diligence in putting the Islands in the best posture of defence you can, and we desire you from time to time to give us the most particular account you are able not only of their state of defence, but of all other matters relating to your Government. We have examined the accounts of stores of warr in Nevis and Antegua, but not finding the said accounts so particular as was expected, so that we suppose you had not H.M. Instructions in that behalf, which has been given to Col. Park, a copy whereof is here inclosed.

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We writ to you fully, Nov. 1 last, in relation to the sending us a collection of all the laws, and that being a matter wherein H.M. service is so much concerned, we must again repeat it as necessary to be done, as Col. Park is likewise directed. You say, Nov. 3, that "we never proceed by any laws that are not confirmed except such as lye before H.M. for the royal assent." We do not well understand what you mean by that exception. *Repeat Instruction given to Col. Park April 12 fin.* [C.O. 153, 9. pp. 330-332.]

April 26.
Whitehall.

297. Council of Trade and Plantations to Governor Handasyd. *Acknowledge letters* of Nov. 20, Jan. 14, and Feb. 7 and 16. We have consider'd the Act for *quartering of souldiers*, and agree with you that it is not fit for H.M. royal approbation; however, we have sent it to Mr. Attorney General for his opinion in point of law, and do intend as soon as we shall have recieved it, to lay the said Act before H.M. for her disallowance thereof, in the meanwhile you will do well to endeavour to persuade the next Assembly to pass a new Act for the quartering of souldiers, but without that clause which excludes all who are not naturall born subjects of England or the Islands in America from any civil or military employments. We can no way approve of the allowing the souldiers 5s. a week in lieu of quarters, as we have formerly writ you, and therefore we desire you to move the Assembly again, upon that head, and to endeavour to make them sensible how much it is their interest to contribute towards the building of barracks for the lodging souldiers H.M. is pleased to send for their defence, which will in a great measure free them from the annual charge they are at in quartering them. We have communicated what you write in relation to the hardship your regiment suffers to Capt. Gardner your Agent, and enclose his answer [April 10]. We have laid what you write in relation to Capt. Allen; to the preparation of the French at Martinico; to your want of the two additional Companys; and to the rank of your Corps, and your own advancement before H.M., and are assured that you will be satisfied in those particulars. Not having yet received from you such an account of stores of war as you were directed to transmit by H.M. letter of Feb. 22, 1704, we send you a copy of the said letter, that you may take care that the same be duly comply'd with, and that you give the necessary directions therein. [C.O. 138, 11. pp. 460-463.]

April 29.
Whitehall.

298. Certificate by the Council of Trade and Plantations. Mrs. Elizabeth Furnesse is entitled to be paid for the engraving of the Seals for the Plantations *etc.*, the executors of her father Henry Harris waiving any claim, as per annexed certificate. [C.O. 324, 9. pp. 120, 121.]

April 30.
Whitehall.

299. W. Popple to Mr. Linton. *Encloses* extract from Col. Quarry's letter, Apr. 23, for explanation. [C.O. 5, 1362. p. 64.]

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[April 30.] **300.** John Perrie, Provost Marshall of the Leeward Islands, to the Council of Trade and Plantations (*see* Jan. 29). *Prays* that the suspension of his Deputy, John Barnes, by Lt. Gov. Johnson without the advice of the Council, be taken off, and his fees returned and that the Provost Marshall be not required to do other duties than by the Law directed. An Act of Antigua specially provides that the duties of the Provost Marshall are only to summon the Council and Assembly and attend the Governor or Lieut. Governor on all publick occasions or when in Council. *Endorsed*, Reed. Read April 30, 1706. 1½ pp. [C.O. 152, 6. No. 41.]

[April 30.] **301.** Mr. Roope to the Council of Trade and Plantations. *Prays* for consideration of his great losses, and of his services in helping to build the new fortifications at St. Johns *etc.* *Signed*, John Roope. *Endorsed*, Reed. Read April 30, 1706. 1 p. [C.O. 194, 3. No. 160.]

May 1. **302.** Attorney General to the Council of Trade and Plantations. Report upon the Laws of Nevis passed Feb. 23, 1704. (1) I take the Act *for the establishing of Courts* and settling due methods for the administration of justice to be of an extraordinary nature, for H.M. by her Commission to the Governour hath empowered him to erect Courts and name Judges and other Officers, and wt. such Governour may doe, is done by this Act, wch. seems to be prejudicial to ye authority given by H.M. to ye Governour, and there not being an Appeal reserv'd to H.M. in Council, tho an appeal is allow'd to ye Governour, if this law be confirm'd it may be a question if any such Appeal can be admitted, the Court erected by this Act being declar'd to have ye same power and jurisdiction as ye Courts in Westminster Hall have. However on perusall of an Abstract of ye Plantation Laws lately printed, I find there are laws allow'd in Barbados, Jamaica and Virginia, for erecting of Courts. An Act to regulate the proceedings of Courts may be usefull, but many of ye regulations mention'd in this Act I do not think are proper, particularly making a summons fix'd up at ye Court House door to be sufficient, where the Defendt. is absent and hath no Attorney, but hath a freehold, for that ye summons should be in reason on his freehold, by which he may have notice. Judgments may be given by this Law against absent persons, on such summons so fix'd, and ye Court is without Jury to ascertain damages, and the plaintiff is to give security to refund if in two years ye Deft. makes appear less is due than is allowed, without regard to his being an infant or mad, or in prison, or beyond sea. Issuable Pleas are to be try'd at ye Court they are pleaded, wch. may be inconvenient. On executions the Provost Marshall is enabled to sell inheritances if ye Deft. has no goods, wch. is unreasonable, the Law of England allowing to hold ye same by extent till ye debt recover'd be satisfy'd. Besides, the sale is made good against ye Deft., and all persons claiming by, from or under him, wch. will avoid ye Deft.'s acts precedent to ye judgmt. not being restrained to claims after ye

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judgmt. One party is not allow'd a lawyer to plead for him, if the other cannot gett one. After verdict the deft. is barr'd from arresting ye judgmt. in all cases, wch. is unreasonable, for it may be (and often happens) yt. no action by law lyes for the matter mention'd in ye plaintiff's declaration as for words not actionable, and yet having a verdict, ye Plantif by law must have execution. All extraordinary contempts of Jurymen, and tales are to be punish't by ye Judges by ffine; what contempts are meant doth not appear, perhaps it may be taken to be a contempt, for not finding a verdict according to ye direction of ye Court, for which by law they are not to be fined. A lawyer is oblidged to give his argumt. to ye Judge in writing, wch. is ridiculous; the Judge is to observe and take notes. A bill return'd protested, the drawer is to pay ye deliverer 10*l.* damage and 10*l.* interest, with allowances for Exchange. This is a matter different from ye title of ye Bill, and is not proper, being ye same allowance in all cases, be ye summe in ye Bill more or less. There is also erected by this law a perpetual Court Merch., who are impowered to hear and determine with a Jury, according to Law, equity and good conscience, all causes between transient persons, not exceeding ye value of 100*l.* current money, wch. power given is arbitrary and uncertain, whether the Judges are to act according to Law or Equity, and not fit to be allowed. (2) *The Act for the better Government of negroes and other slaves.* I am of opinion that this Law extending to other slaves as well as negroes, which will include persons stole in England and sold there, will be unreasonable, for it makes it felony for any person to endeavour to regain or restore them to ye liberty they were unlawfully depriv'd off, and it will be unreasonable to subject the white slaves, who may fairly become slaves by their own contracts, to ye power by this Act given to two Justices of ye Peace to condemn them to death or dismember them arbitrarily without any form of proceeding for offences capital, and if any white or black slave shall wound, hurt, bruize or maim any white person, not excepting in defence of his owner, two Justices of the Peace may sentence him to death or dismembring, and the very attempting to carry a slave (which includes white slaves) from ye Island is made felony. Therefore I am humbly of opinion this law giving such powers, and depriving all persons stol'n and sold into slavery from all assistance of their ffrinds for regaining their Liberty, is fitt to be rejected. If it had extended onely to ye negroe slaves, I am of opinion it were not fitt to be confirm'd absolutely, but onely for a time, that it might be seen how usefull it would be. *P.S.*—Having discoursed Coll. Jorey on this law, he tells me that none are taken to be slaves but the negroes and Indians neighbours of Nevis, and that the white servants are not taken to be slaves; if that be soe, it answers the objections I have made. *Signed*, Edw. Northey. *Endorsed*, Recd. Aug. 4, 1704, Read May 1, 1706. 3 pp. [*C.O.* 152, 6. No. 43; and 153, 9. pp. 333–340.]

May 1. **303.** Council of Trade and Plantations to Governor Lord Whitehall. Cornbury. *In reply to* letter of Nov. 27, 1705. *Refer to their*

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letter of Feb. 4. We do not think it necessary that the salaries of officers in your Government of New Jersey should be so high as those at New York, New Jersey not being so considerable a Province; however, your Lordship will do well to move the Assembly again to provide sufficient salaries for them, in case the present settled Revenue will not answer those ends, whereof the establishment should be sent to us. Your Lordship says that H.M. has been pleas'd to settle 500*l.* sterl. a year upon you for that Government. But your Lordship does not tell us how and when the same was done, and by what establishment. We are glad to understand your Lordship's resolution of not engaging yourself in any party, but of behaving yourself equally to all H.M. subjects, which will most tend to H.M. service and the good of the country. As to Coll. Ingoldesby, H.M. has been pleas'd to revoke the Commission to him as Lieut. Governor of New York, and to order that he do reside in New Jersey, where he is likewise appointed one of the Council. [*C.O.* 5, 994*A.* pp. 282, 283.]

May 1.
Whitehall.

304. Council of Trade and Plantations to Governor Lord Cornbury. Since Feb. 4 we have received your Lordship's of July 13, and Nov. 20 and 26. As to the first, relating to Mr. Mr. Byerly, we understand that my Lord Treasurer has restored him to the execution of his office, for that amongst other things, he being his Lordship's immediate officer, complaint should have been made to him, and his Lordship's directions received before any suspension. We have not received the copy of King Charles II's grant to the Duke of York for lands from St. Croix to Delaware Bay, mention'd to be inclosed in your letter of Nov. 20, but instead of it, the draught of the surrender from the Proprietors of E. and W. New Jersey. However, we have an entry in our books of the said grant, and therefore your Lordship need not send us any copy of it. But Mr. Penn having a lease thereof from the Duke of York, who was in possession, he does insist upon his own right by virtue thereof. Your Lordship will perceive, by our letter of Feb. 4, that the accounts of stores of war, which you had then sent us, was not so particular as was expected, and therefore we again inclose, in the duplicate of our said letter, a copy of H.M. letter to you in that behalf, and desire that the next accounts of stores your Lordship shall send may be conformable thereunto. Wee have acquainted Mr. Sloper, your Lordship's Agent, with what your Lordship writes about the 20 barrells of powder. But your Lordship ought to have sent us the receipt of Capt. Rogers, which would have facilitated your Agents procuring the repayment thereof from the Admiralty. Your Lordship having found the small arms out of repair, they ought to have been mended at New York or sent home to England to have been exchanged. However, your Lordship will do well to move the Assembly to settle and appropriate a certain fund for the buying of arms for the use of the Province, as is done in other H.M. Plantations. We have communicated to Capt. Nanfan what your Lordship writes, and so soon as wee

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have his answer, wee shall not fail of giving you notice thereof. Wee must again remind your Lordship of dating and signing the Acts, for those we have received with your Lordship's letter of Nov. 20, are again transmitted without dates, and therefore desire that at the bottom of all Acts the year of H.M. reign, in which they were pass'd, be express'd, and also the time when they pass'd the Assembly, as well as when they pass'd the Councill and received your Lordship's assent. We have consider'd your Lordship's letter, *etc.* of Nov. 26, relating to the irregularities in Connecticut and Rhode Island, and expect the further proofs your Lordship does promise to send us, in order to the laying that whole matter before H.M. In the mean time we send you copies of two Addresses from the House of Lords to H.M., upon complaints made to them against the Proprietary Governments of Carolina and the Bahama Islands, for your information. As to Coll. Ingoldesby, *repeat preceding.* [C.O. 5, 1120. pp. 459-463.]

May 2.
Boston.

305. Governor Dudley to Mr. Popple. For want of a better conveyance, I have adventured one letter to their Lordships by a poor vessel to the North of England. *Repeats part of April 23.* I am at the same great expence of garrison and marching partyes, because I am sensible every day of [*the enemy's*] scouts to see in what posture I am, and whether there be any weak part where they may do mee damage. I am very easy with the Assembly in the affayr of the warr, they have alwayes approved the draught of their men and expence of their money for their necessary defence, and they have prospered accordingly; of the whole Eastern Tribes in five forts the Indians have no habitation nor planting that I have not destroyed, and they live in a starving and uneasy condition with the French in severall parts at the utmost distance from mee. I am only sorry the Assembly have not done their duty in obedience to H.M. commands for the rebuilding Pemaquid *etc.* Referring to salaryes for the officers, I will not be uneasy. I have my own estate and an arbitrary subsistence from them, which tho' it amounts not to above 350*l.* sterl. per annum, I will be contented till H.M. can better provide, and am only solicitous to approve my service to H.M. and their Lordships at the Board, if I may be well recommended by their Lordships, I have what I desire, I pray your freindship therein. I hope Col. Povey is well arrived, by whom I wrote to the Board, and do not repeat it, the conveyance being so very uncertayn. I hope your health may be by this time restored, my last was signed by your son, which I answered then and now, and have no other commands from their Lordships, but hope the favour of being directed in their next packetts in what I wrote by Capt. Huntington and Col. Povey. I pray your favour for the inclosed, least they should be lost, if they had not been under cover. The letter to their Lordships is covered to the Rt. Hon. Sir Charles Hedges. *Signed, J. Dudley. Endorsed, Recd. 6th, Read July 15th, 1706. Holograph.* 2 pp. [C.O. 5, 864. No. 69; and 5, 912. pp. 180-182.]

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May 2. Whitehall. **306.** Council of Trade and Plantations to the Queen. Offer the Acts of Nevis [see March 12], to raise an impost on strong liquors imported, and to prevent fires, for H.M. confirmation. Recommend that the 2 Acts to settle the Secretary's and the Marshall's fees be repealed, as "intrenching upon your Majesty's Prerogative and diminishing the rights of Officers holding under your Majesty's Letters Patents." [C.O. 153, 9. pp. 340-342.]
- May 2. Kensington. **307.** Order of Queen in Council. Repealing 2 Acts of Nevis as recommended in preceding. Signed, Chris. Musgrave. Endorsed, Recd. Read June 13. 1½ pp. [C.O. 152, 6. No. 51; and 153, 9. pp. 373, 374.]
- May 2. Kensington. **308.** Order of Queen in Council. Confirming 2 Acts of Nevis as recommended in preceding. Signed, Edward Southwell. Endorsed as preceding. 1½ pp. [C.O. 152, 6. No. 52; and 153, 9. pp. 375, 376.]
- May 3. Whitehall. **309.** W. Popple, jr., to W. Lowndes. Encloses Act of Nevis for making Indian Castle a shipping place, which being for establishing a Port, the Council of Trade and Plantations desire you would move my Lord Treasurer that they may have the opinion of the Commissioners of H.M. Customs thereupon. [C.O. 153, 9. p. 343.]
- May 3. London. **310.** Mr. Linton to the Council of Trade and Plantations. Short drye tobacco is unfitt to manufacture into Roll; the sort most proper is a thin, waxy, large ffrsh Leafe, and is commonly pick'd out of severall parcells that were entred at the Custome-house at diverse times, the scruffe, or short tobacco is generally throwne into one heape, and afterwards repack'd into hhds. in order to be ship'd off or sold in England for the inland consumption. The tobacco being thus mixt at a Workehouse, out of the sights and knowledge of both importer and exporter, there is great difficulty on the exportation to distinguish what part belongs to the severall entrys, according to the present practice of the Custom-house, where the exporter's oath is required. This discourages many persons from being concerned in the export trade. Signed, John Linton. Endorsed, Recd. Read May 3, 1706. ¾ p. [C.O. 5, 1315. No. 32; and 5, 1362. pp. 64, 65.]
- May 8. Whitehall. **311.** Council of Trade and Plantations to the Board of Ordnance. Enclose copy of stores of war expended at New York since Lord Cornbury's arrival. [C.O. 5, 1120. p. 466.]
- May 8. Whitehall. **312.** W. Popple, jr., to Stephen Duport. Encloses two Acts of Nevis for his objections. [C.O. 153, 9. p. 344.]
- May 9. Whitehall. **313.** Mr. Sec. Hedges to Governor Nott. The late glorious successes of the arms of H.M. and her allys on the frontiers of Portugall will no doubt be very wellcome news to you, and I

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question not but you will take all opportunities of spreading it in your parts, so as that it may reach the Spanish Plantations and undeceive those people whom we have reason to believe are impos'd upon by idle stories reported among them by H.M. enemies, and we hope the example of their countrymen in Europe will incite the Spaniards in the West Indies to free themselves from the tyranny of a foreign Government, and to assert their own liberty, and the rights of their naturall and lawfull Prince, King Charles III. I therefore send you the enclosed Prints, where you will observe with pleasure two defeats given the Duke of Berwick's army *etc. etc.*, in short, such an [un]interrupted series of success that we make no doubt but our next letters from Lord Gallway will be dated either from Toledo or Madrid. The zeale of the inhabitants of Valentia and the Earl of Peterborow's good reception there deserve to be particularly mentioned, but above all the loyalty, courage and resolutions of the Catalans, and especially the inhabitants of Barcelona are well worth your notice. *Gives latest account of the progress of that siege.* May 10. We beleive the seige is raised and the French fleet either defeated or retired. *Signed, C. Hedges.* [C.O. 324, 30. pp. 84-86.]

May 9.
Whitehall.

314. Mr. Secretary Hedges to Governor Dudley. I enclose tables of fees taken in the Court of Admiralty here; the officers of the Admiralty with you are to govern themselves by the same rules as are observed here. *Refers to successes of H.M. arms as in preceding.* *Signed, C. Hedges.* Similar letter to Governor Lord Cornbury. [C.O. 324, 30. pp. 86, 87.]

May 9.
Whitehall.

315. Same to Governor Seymour. *Acknowledges* letters, and refers to the answers of the Council of Trade, and to successes of H.M. arms *as above.* [C.O. 324, 30. p. 87.]

May 9.
Whitehall.

316. Same to Governor Handasyd. Mr. Daniell Stacy, sole executor of his brother, Adam Stacy, has appointed Dr. Mayo of King's Town in Jamaica to be his agent, whom I recommend to your protection *etc.* *Signed, C. Hedges.* [C.O. 324, 30. pp. 87, 88.]

May. 9
Whitehall.

317. Same to Governor Sir B. Granville. Encloses duplicate of April 20, and announces successes *as above.* Similar letter to Governor Handasyde. *Signed, C. Hedges.* [C.O. 324, 30. p. 88.]

May 11.

318. Extract of the *Paris Gazette*, May 22, 1706. Comte de Chavagnac ravaged St. Christophers from Feb. 21 to March 2 (N.S.), when he returned to Guardeloupe with a great booty. The damage inflicted on the enemy is estimated at 3 millions. On the 7th March (N.S.) the Sieur d'Iberville, arrived at Martinique with another squadron of the King's ships. He embarked 1,100 inhabitants, or *flibustiers*, of that Island, and having joined the Comte de Chavagnac made a descent in the night of April 1st upon Nevis. He turned the enemy out of

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several advantageous positions and from the Fort of the Point, where they had retired with the greater part of their artillery, and seized 22 ships which were anchored under the Fort. On April 4 (N.S.) he marched to attack them in the mountains, where they were entrenched in a position, the approaches to which were almost inaccessible; but he called upon them to surrender, and they accepted his terms. The principal conditions were that the Commander, the soldiers and all the inhabitants without distinction of age or sex should be prisoners of war, and that they should give up all their negroes. The value of the rest of the booty is not yet known; but there are more than 7,000 negroes, about 30 armed vessels, and we are assured that these two Islands will not be able to regain their former state in ten years time. These two expeditions have not cost us 50 men, killed and wounded, *etc.* *Endorsed*, Recd. Read May 22, 1706. *French*. 2 pp. [C.O. 152, 6. No. 46.]

May 12.
Jamaica.

319. Governor Handasyd to the Council of Trade and Plantations. *Refers to enclosures.* I have for some weeks past been making preparations to receive [the enemy] and putting everything in as good a posture of defence as it's possible, and I doubt not if they do come but we shall give them a very warm Reception; the fatigue I went thro in this business put me into a violent fever, which continued on me a few days, but I thank God the worst is past, and I beg your Lordships will not take it amiss that I do not write at large, for I am hardly able to sign my name. I have been obliged to proclaim Martial Law, finding the inhabitants so obstinate, that they would do nothing without it, but if the enemy's designe is not against us, the colours shall soon be lodged again. I have advice that there are 12 sail of French men of war at Carthagene, whether they are come to fetch away the Spanish flota, or get forces from the Spaniards to come against Jamaica, I know not, but if they do make an attempt on us, I do assure your Lops. Jamaica shall not be lost without the lives of the best part of us, if the forces here will stand by their colours, as I expect they will. Admiral Whetstone came in yesterday, but brings no other news than that the Barlaventure fleet is at Carthagene, what their design is now the French fleet is there with them I know not, but shall be able to give a further account per my next. I, thinking it absolutely necessary in the present emergency, that the Gentlemen who are foreigners and lately served as officers of the Militia of this Island, but by a late Act of Assembly were made incapable of bearing Commissions, should be restored to their former commands, most of them being Gentlemen of the best interests in the country, and persons on whom I can best depend, I have therefore issued out a Proclamation for the same untill H.M. pleasure be further known, which I hope will be approved of by H.M. and your Lops. The flag of Truce is not yet returned from Carthagene, and I suppose the reason is because of the Fleet's being there. It is once more my humble request to your Lops. that I may be relieved when my Regiment is

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at the expiration of the 6 years, if H.M. think fitt, ffor what with my long service in the army, and the ffatigue and sicknesses I have gone through in this country, the constitution of my body is quite worn out. My ffamily is very great, and my ffortune but small, yet I am not at all apprehensive I shall want bread, while I serve so good a Mistress, and have so good friends as your Lops. to patronize me. I again earnestly recommend to your Lorps. that the person who is appointed to relieve me from this Government, may be a man of undoubted loyalty to H.M. as well as resolution to manage affairs here, or else I dread the consequence. *Signed*, Tho. Handasyd. *Endorsed*, Recd. 24th, Read June 26th, 1706. 2 pp. *Enclosed*,

319. i. Governor Sir B. Granville to Governor Handasyd. *Duplicate of April 8.*

319. ii. Lt. Governor Johnson to Governor Handasyd. Antigua, April 15, 1706. We have an account of Ducass's squadron passing Barbados on the 6th, etc. *Copy*. 1 p. [C.O. 137, 7. Nos. 25, 25.i., ii.; and (without enclosures) 138, 11. pp. 478-482; and (extract of covering letter) 137, 45. No. 78; and (enclosure ii. only) 7, 1. No. 10.]

May 12. **320.** Governor Handasyd to Mr. Secretary Hedges. *Repeats* preceding. *Signed*, Tho. Handasyd. *Endorsed*, R. June 23. 2 pp. *Enclosed*,

320. i. Duplicate of No. 319.ii. [C.O. 137, 45. Nos. 77, 77.i.]

May 14. **321.** Copy of commission to Rd. Taliaferro to be Chief Justice of the Bahama Islands. C.S.P. 1699. No. 465.i. [C.O. 23, 12. No. 67.]

May 16. **322.** Lt. Governor Bennett to Mr. Popple. *Repeats* letter of March 11 etc. *Signed*, B. Bennett. *Endorsed*, Recd. Oct. 15, 1706, Read March 14, 1706. *Holograph*. *Addressed*. *Sealed*. 2 pp. [C.O. 37, 7. No. 32; and 38, 6. pp. 228, 229.]
Bermuda.

May 16. **323.** Lt. Governor Bennett to W. Popple. The vessell that gives the opportunity of sending this, just touched here from Barbados. I transmit the enclosed duplicate [? April 22], concluding it will arrive sooner than the original. Besides I do not find by the Captain that at Barbados they have so particular an account of Nevis as therein related. He likewise tells me it's concluded there Antigua is taken. My reason to the contrary is that the Master that brought my letter from Antigua [see April 22] told me that a sloop lay ready, in case the French made any show of landing there, to bring several gentlewomen of that Country here, but I have heard nothing of them; it may be the vessel has been intercepted: he added that the Enemy was on shore on Nevis when he sailed from Antigua, March 30, and by a letter from Barbados I find they were there on April 10. In that letter it is also said that Nevis surrendred on articles, but I fear it was taken, for that day (being Good Friday) the French attacked
Bermuda.

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and took the forts, they landed their men, and at night great fires were seen supposed to be the town and plantations of Canes. A vessell that came from Curicao about six weeks since being arrived here, the Master reports that upon the French their takeing St. Xtophers, a strict embargo was laid there, but upon hearing the enemy was return'd to Martinique, it was taken off, and that when he came away it was not known there the French were out again. From Virginia I am advised that 11 sail of merchantmen bound thither were attacked by two large privateers, off the Canaries, who took 5 of them, the other 6 are safely arrived (as also is the Barbados fleet). I inclose the condemnation of the French ship brought in here [see March 11]. I hope the proceedings thereon have been regular and satisfactory, if not, I should be glad to know my errors. When I was making up this packett, I sent to the Secretary for copies of Minutes and Journals of the Council, but they are not compleated. I will doe what I can to return everything that's required as expeditious as possible, but Clarks are not to be had. Pray excuse my scribbling, which hast obliges me to. *Signed*, B. Bennett. *Endorsed*, Reed. Oct. 15, 1706, Read March 14, 1707. *Holograph*. 2 pp. [C.O. 37, 7. No. 39; and 38, 6. pp. 226, 227.]

May 16.
St. James's.

324. The Queen to Governor Sir B. Granville. Whereas humble suit has been made unto us on your behalf, that for the recovery of your health wee would be pleased to give you leave to remove from Barbadoes for 6 months, Wee hereby grant you full leave, etc., you taking effectual care to leave things there in such a condition that the Publick may suffer no prejudice by such your absence etc. *Countersigned*, C. Hedges. *Endorsed*, Reed. Read May 14, 1707. 1 p. [C.O. 28, 10. No. 4; and 29, 10. pp. 478, 479.]

May 16.
St. James's.

325. Mr. Sec. Hedges to Governor Lord Cornbury. I send this by a flying packet, hoping it will overtake the maile to acquaint you with the good news of an entire and glorious victory over the French, etc. [Ramillies. See Marlborough's *Dispatches*]. I have ordered a printed paper which will come out late to-night to be sent to your Lordship from the Office, which will give you some more particulars etc. *Signed*, C. Hedges. *Similar letter to Governors of Barbados, Jamaica, Virginia, Maryland, Leeward Islands, and a printed relation to Governor Dudley*. [C.O. 324, 30. p. 89.]

May 17.
Bermuda.

326. Lt. Governor Bennett to Mr. Popple. By my other letters it is said that they come in Capt. Jennings. But the wind blowing very hard, the ship's cable parted, and the Capt. was forced to put to sea, etc. My letters now goe by the way of New England. I enclose duplicates of Naval Officers' Accts. If you received the originals, please to let my brother have these to deliver into the Custom-House etc. *Signed*, B. Bennett. *Endorsed*, Reed. Oct. 15, 1706, Read March 14, 1707. *Holograph*. 1½ pp. [C.O. 37, 7. No. 40; and 38, 6. p. 230.]

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May 17.

327. Attorney and Solicitor General to the Council of Trade and Plantations. *Reply to April 12.* It appearing by the Address of the House of Lords, March 18 (*Lords' Journal*, XVIII. p. 159), that the Proprietors of the Bahama Islands have deserted the same, and that there is not now any forme of Government remaining there, we are of opinion they have thereby forfeited their powers of Government, and those powers may by *scire facias* in H.M. Court of Chancery on the Patent, or by *quo warranto* in H.M. Court of Queen's Bench be by judgment seiz'd into H.M. hands as forfeited. And we are also of opinion that this extraordinary exigency happening thro' the default and neglect of the Proprietors, H.M. may, for the securing those Islands and the inhabitants, constitute a Governor, and provide both for the civil and military Governmt. thereof before any suit be commenc'd. *Signed*, Edw. Northey, Sim. Harcourt. *Endorsed*, Recd. Read May 21st, 1706. 1 p. [*C.O.* 5, 1263. No. 107; and 5, 1291. pp. 375-377.]

May 17.

328. Same to Same. *Reply to April 12.* Upon the Address of the House of Lords (*Lords' Journal*, XVIII. p. 150), we have perused the two Acts of Carolina and the two grants of Charles II, whereby is granted to ye Proprietors powers to make laws with the assent and approbation of ye freemen, so as such laws be consonant to reason and as near as may be conveniently agreeable to ye laws and customs of England. And the laws mentioned in ye sd. Address not being consonant to reason, and being repugnant to ye Laws of England, are not warranted by ye sd. Charter, but wee are humbly of opinion were made without any sufficient power or authority derived from ye Crown of England, and therefore doe not oblige or bind the inhabitants of that Colony, and H.M. may lawfully declare those Laws as to the matters therein contain'd, mention'd in the said Address, to be null and void, and command that the same shall not be put in execution or observ'd, and may also require and command the Proprietors and Assembly by Act of Assembly to enact and declare ye same to be null and void. And wee are further of opinion that the making such law is an abuse of ye power granted of making Laws and will be a forfeiture of such power. And that that power may be seiz'd into H.M. hands by *scire facias* in the Chancery on ye Patents, or by *quo warranto* in the Queen's Bench, if the Laws were approv'd and confirm'd by the present Proprietors, weh. doth not fully appear to have been soe by the sd. Address. *Signed*, Edw. Northey, Sim. Harcourt. *Endorsed as preceding.* 2 pp. [*C.O.* 5, 1263. No. 108; and 5, 1291. pp. 378-380.]

May 20.

June 1.

Fort

Kijkoveral.

329. Commandant Beeckman to the Dutch West India Company. *Encloses following etc. Dutch.* 6 pp. *Enclosed*,

329. i. List of goods required. *Dutch.* 6 pp.

329. ii. Copy of letter to the Dutch West India Company, June, 1706 [? 1707]. See Appendix to *Venezuelan*

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Boundary Commission Report. No. 137. Dutch. 6½ pp.
[C.O. 116, 20. Nos. 4, 4.i., ii.]

May 21.
London.

330. Mr. Dummer to Mr. Popple. Gives sailings of the *Prince George* packet. Out and home, 116 days. All the extraordinary that comes in my letters is the enclosed paper. *Signed*, E. Dummer. *Endorsed*, Recd. Read May 23, 1706. *Addressed*. 1 p. *Enclosed*,

330. i. Brief Account of the French invasion of St. Kitts, Feb. 5. 1 p. [C.O. 323, 6. Nos. 5, 5.i.]

[May 21.]

331. Copy of King Charles II's grant of the Bahama Islands to the Duke of Albemarle and others. [C.S.P. 1670. No. 311.] *Endorsed*, Recd. Read May 21, 1706. [C.O. 5, 1263. No. 109.]

May 23.
Whitehall.

332. Council of Trade and Plantations to Mr. Secretary Hedges. *Enclose* extracts of letters from Nevis, March 12 and 13. The request that the poor men and servants should not be inlisted there, agrees with the general direction usually given and may, if H.M. thinks fit, be renewed to all the Governors and Commanders of the Plantations; for that the inlisting of inhabitants there, who are otherwise all of them obliged to serve in person upon occasion in the Militia, is of no additional strength to those Plantations. *Enclose* Petition from Nevis (March 12th) to be laid before H.M. [C.O. 153, 9. pp. 361, 362.]

May 24.

333. Mr. Thurston to W. Popple. The Newfoundland Convoy is just upon its departure, and yet not a ragg of cloathing provided by reason of a dispute between the Company and Lord Paston's regiment as to off reckonings. *Prays* for a line to Mr. Burchett to have the medicines and shoes and stockings taken on board. There's not a penny of money yet ordered. *Signed*, J. Thurston. *Endorsed*, Recd. Read May 24, 1706. 1 p. [C.O. 194, 3. No. 161; and 195, 4. p. 280.]

May 24.
Whitehall.

334. Council of Trade and Plantations to Mr. Sec. Hedges. We thought it our duty to acquaint you with *preceding*, that the necessary order may be given herein. [C.O. 195, 4. pp. 281, 282.]

May 24.
Whitehall.

335. W. Popple to Mr. Burchett. *Moves as desired in preceding*. [C.O. 195, 4. p. 281.]

May 24.
Whitehall.

336. Council of Trade and Plantations to Mr. Secretary Hedges. *Enclose following*,

336. i. Council of Trade and Plantations to the Queen. *Recommend* that the Acts of Carolina be repealed, and directions given for reassuming that Government into H.M. hands, as proposed by the Attorney and Solicitor General, May 17.

336. ii. Council of Trade and Plantations to the Queen. *Repeat* former Representations as to the Bahamas, and *quote* John Graves' evidence, and the opinion of the Attorney

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and Solicitor General, May 17, with which they concur. Offer that, "Your Majesty, at such time as other affairs shall permit, appoint and send over a Governour with your Royal Commission and a sufficient force and suitable provisions of warlike stores for the security of the said Islands and the protection and good Governmt. of your Majesty's subjects," etc. [C.O. 5, 1291. pp. 381-392.]

May 27. **337.** Lt. Moody to the Council of Trade and Plantations. Thanks for their justice and penetration and prays for a certificate that he has cleared himself of the complaints against him. *Signed*, J. Moody. *Endorsed*, Recd. Read May 27, 1706. 1 p. [C.O. 194, 3. No. 162.]

May 28. **338.** Lt. Governor Johnson to Mr. Secretary Hedges. I believe I was too possitive [see April 17] that M. Ducas was arriv'd. We are yet to learne what that fleete was ; the French say they were the Spanish Galleons, and wee apprehend them to have been the homeward-bound Dutch shippes from Surinham. Our danger seems to be pretty well over for the present ; I could wish our feares and allarmes would vannah with it. But the enemy were so faithfull in making good their former threatates, that the people here in generall think they have too much reason to regard what they give out is further intended against us. The French at Martinico talke very freely of the project that is fully settled by their Ministers of sweeping all the English Collonies ; that the weakness or disorder of the best of our Islands is sufficiently knowne at Versailles ; and that whilst we are amuzing ourselves at Catalonia (for amuzement they are pleased to give the terme of that expedition), they will prove themselves to be more usefull friends to ye Spaniard than we can possibly bee by furnishing them with season'd nigros from our Islands every yeare. The next fleete, they say, will be much more considerable than the last, a squadron of capitall men of warr, with 20 large privateeres, and a good number of transport shippes, with regular troops, are promis'd, to joyne the Privateeres and other fforces they have already here, to attack Barbados and these Islands ; and they think their success, which they seem pretty well assur'd of, will doubly pay the expence of such an expedition. Indeede they talke but too knowingly upon this occasion and I am sorry their intelligence has beene soe good, and their reflections soe just : such discources, which have [*been*] brought hither by our flaggs of Truce, and the consideration of their owne circumstances raise apprehensions in the inhabitants which seeme but too well groundd ; and which 'tis not in my power to quiett. The people here are very much dispirited, not to say despairing ; they think themselves neglected, if not abandon'd, and a great many have already declar'd they will live soe precarious noe longer, and are preparing to seek for settlements and security elsewhere. The common people and artificers, whose fortunes are easily remov'd with them, will for the most part goe to Coracoa, and

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St. Thomas's; that is, will turne privateeres during the wars and pyrates for ever after. The people of Nevies have begun the ill example, tho none have beene carry'd off, nor have they lost above halfe, or a third part of their nigroes or effects; but the gilt and shame of some, the feare of others, and chiefly the unhapy engagement of the greater part, have influenc'd them to take such resolutions as I can only lament, which 'tis very much in my inclination, and shall be in my heartiest endeavors to prevent; but the daily expectation of our Generall makes me very uncertaine in my measures. It may be thought, Sir, at home the neighbourhood of Barbados is a sufficient protection to these weaker collonies. 'Tis certaine there are a great many People in that Island; But whence it is I know not, the Gentlemen there not only pretend, but really seeme to think themselves in equall danger with us; and whether able or no, are certainly unwilling and determin'd not to spare any succors to these Islands. So that the hopes and dependance of the people here are entirely plac'd in H.M. great goodness and wisdom *etc.* Signed, Jon. Johnson. *P.S.*—The Gentlemen of this Island have beene at a very great charge for severall yeares to raise an inland fortification here, for the retreat of their women, children, *etc.* This yeare in particular they have given proofs of extraordinary zeale for the publick honor and interest, and have putt themselves to a charge much beyond what could be expected from them; their loyalty and publick spiriteness seeme to deserve all possible countenance from the Ministers. *Prays*, on behalf of the Council and Assembly, for 40 or 50 twenty-four to thirty-six pounds *etc., etc.* Signed, Jon. Johnson. *Endorsed*, R. Jul. 31. 3 pp. [*C.O.* 7, 1. No. 12.]

May 28.
Admiralty
Office.

339. Mr. Burchett to Mr. Popple. *Encloses* order to the Captain of H.M.S. *Falkland* to receive aboard his ship and the *Larke* stores for Newfoundland, *as desired* May 24. Signed, J. Burchett. *Endorsed*, Reed. May 28, 1706. 1 p. [*C.O.* 194, 3. No. 163; and 195, 4. pp. 282, 283.]

May 28.
Whitehall.

340. Council of Trade and Plantations to the Board of Ordnance. *Enquire* what has been or can be done by the office of the Ordnance in the matter of the bond of Mr. Daniel of Carolina (*see* April 1st), that we may be assisting in the recovery of the stores of war borrowed at Jamaica. [*C.O.* 138, 11. pp. 473, 474.]

May [29].

341. Merchants and Planters of St. Xphers. to the Queen. *Recount* invasion of Feb. 11. The French destroyed everything they could come att, to the entire ruine of most of the inhabitants, who are reduced to the most lamentable condition imaginable. The enemyes carried off all the great guns planted on batteries at the anchering places, so that the shipping is now exposed to the least of their privateers, as they have had experience. Petitioners humbly conceive this high misfortune was partly occasioned by the misunderstanding that is since a long time

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between the Commanders and the Inhabitants upon acct. of the Act for *subjecting the French part of the Island to the Civill Government* never put in execution, together with the enemyes knowledge of the small number of standing forces that were in the island, the whole Regiment now there being reduc'd to less than 300 men, wch. with their present misery and apprehension of new danger has so dejected the inhabitants that most of them are resolv'd to desert the Island, for to settle where they may expect to live with more freedom, security and ease. *Pray* H.M., in compassion to their most dolefull present condition, to direct speedy reliefe to be sent, to encourage them to resettle *etc.* With great pains, cost and charge since several years they have erected two good forts, for preserving of which 2 independant companies of 100 each with some heavy cannon would suffice. No enemy's force in those parts could then reduce Brimstone Hill Fort otherwise than by famine. They also want several good cannon with carriages to replace those taken *etc.* Nothing can encouridge more those unfortunate inhabitants to this new settlement than to be excused from paying the duty of $4\frac{1}{2}$ p.c. for such time as Y.M. shall think fitt, and be allowed a free trade wth. all other nations, which is no more than what the French King granted to the inhabitants of their part of the Island, when they went to resettle in 1700. *Signed*, Saml. Balls, F. Duport and 7 others. *Endorsed*, May, 1706. Mem. [by ? *Sir C. Hedges*]. Col. Park has orders, and nothing more can be done till ye effect of those orders is known as to ye Fr. St. Xphers. not contributing. Wt. relates to cannon *etc.* send to ye Ordnance. $1\frac{1}{4}$ pp. [C.O. 239, 1. No. 11.]

May 29.
Whitehall.

342. W. Popple, jr., to Mr. Secretary Hedges. In explanation of *preceding* petition, *repeats* what has been done in regard to the Act for *subjecting the French part of the Island to the Civil Government*. "Which matter in difference and cause of dissension between the inhabitants is supposed by the Commissrs. for Trade to be in some measure the cause of the misfortune that has lately befalln them." *Encloses* copy of the Representation of April 12. 2 pp. [C.O. 239, 1. Nos. 10, 10.i.; and (without enclosure) 152, 6. No. 50; and 153, 9. pp. 371, 372.]

May 29.
Whitehall.

343. Council of Trade and Plantations to Mr. Secretary Hedges. H.M. having appointed a Day of Thanksgiving throughout England for the great success of H.M. arms in Flanders, we put you in mind of the Plantations, *etc.* [C.O. 324, 9. p. 121.]

May 30.
Whitehall.

344. Mr. Sec. Hedges to the Council of Trade and Plantations. A day of thanksgiving is to be observed in the Plantations *as in preceding*. *Signed*, C. Hedges. *Endorsed*, Recd. Read May 31, 1706. 1 p. [C.O. 323, 6. No. 7; and 324, 9. p. 122.]

May 30.
Whitehall.

345. Council of Trade and Plantations to Governor Handasyd. Acknowledge letter of April 1, and are glad to find

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the progress you have made, pursuant to your Instructions, in encouraging the Spaniards to acknowledge their lawfull sovereign, King Charles II, which we hope will meet with no difficulty, when they are informed of the further great success of his Catholick Majesty King Charles III in Spain, and H.M. arms in Brabant and Flanders. And as to your desire that your regiment be relieved, we do not think H.M. can dispense with the service of so good a regiment in Jamaica, and so able a Commander in this juncture of affairs. We shall be always ready to intercede with the Queen in anything that may be for your interest, except your coming home, especially at this time, when your personal attendance may be of great service in executing such orders as may be sent you in relation to the Spanish Governments. Whereas we have received from you an account of ordnance stores, we desire you to continue the same, according to your Instructions. You don't give us a distinct account of Mr. Daniel's bond. You should have informed us what stores you had lent him; whether you have recieved the same again; whether you have put the bond in execution, or what other method is to be taken for the recovery of the said stores. *P.S.*—Sir Salathiel Lovel having writ to you about the death of his son, we desire you to do what you can in his behalf that his son's effects may be remitted, *etc.* [*C.O.* 138, 11. *pp.* 474–476.]

May 30.

346. Council of Trade and Plantations to Lt. Governor Bennett. *Acknowledge* letters of March 31, June 29 and Oct. 9, 1705. But we have not received the copys of the Acts past in 1694, 1698, and 1701, tho therein refer'd to, and therefore desire you not to faile to send them by the first opportunity. Tho it is not expected you shou'd examine and colate yourself all the Acts and Minutes of Council, yet you wou'd do well to supervise the same, so as not to depend entirely upon the clerk whose business it is: and to take care that the essential part of those Acts (as the dates) be not forgot. We shal expect the half yearly accounts of publick stores you promise, but we desire you to be very particular in observing the directions of H.M. Order thereupon. We commend your diligence in forming a troop of Horse Granadiers, which we assure ourselves will be of use. We have laid before H.M. what you writ of the behaviour of Mr. Jones, and you will see by the inclosed Order in Council, April 4, H.M. pleasure thereupon. [*C.O.* 38, 6. *pp.* 190, 191.]

May 30.
Whitehall.

347. Mr. Sec. Hedges to Governor Lord Cornbury. I have writt to your Lordship so lately that I had not troubled you now, but upon the happy occasion of the good news we received this morning by an express from Barcelona, which I am confident your Lordship will improve for H.M. service and the good of the common cause by publishing it so as it may reach the Spanish Plantations, and incite those people to follow the example of their countrymen in Old Spaine, by signalizing their loyalty for King Charles III, *etc.* *P.S.*—I enclose a continuation of the great and glorious progresses the Duke of Marlborough is making in

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the Netherlands, *etc.* I recommend to your favour Mr. John Riggs, a Lieut. in the Garrison at New Yorke, recommended to me by the late Governor of Virginia, Col. Nicholson. *Signed*, C. Hedges.

Similar letter, without last sentence, to Governors of Virginia, Maryland, Massachusetts Bay, Leeward Islands and Barbados. To Governor Sir B. Granville was added: Understanding from Sir John Stanley that H.M. letter to you of July 29 last, wherein she was graciously pleased to approve of your proceedings in severall particulars in relation to some complaints against you, has never come to your hands, I send you a copy. [C.O. 324, 30. pp. 90, 91.]

May 30.
Whitehall.

348. Council of Trade and Plantations to the Bishop of London. Mr. Jackson having represented to us that your Lordship's letters in his behalf to his Grace of Canterbury might be of great use to him, we recommend this unfortunate man to your charity. [C.O. 195, 4. p. 283.]

May 30.
Office of
Ordnance.

349. Accounts of Ordnance Stores issued and remaining in the several Plantations. *Endorsed*, Reed. Read July 23, 1706. 13 large pp. [C.O. 323, 6. Nos. 13, 13.i.]

May 30.
Whitehall.

350. Mr. Secretary Hedges to Governor Handasyd. Some merchants having represented that if Spanish ships might come securely to Jamaica, a very beneficial trade for negroes, woollen manufactures and other commodities might be opened between that Island and the Spanish Plantations in the West Indies, H.M., being very desirous to make use of all opportunities for the advancement of trade and for promoting the welfare of H.M. subjects, has been graciously pleased to order the issuing of passes in the form herewith sent you for such merchants as shall desire them, who are to send them to their correspondents in Jamaica, and to prevent any abuse of the said passes, their correspondents are in your presence to fill up the blanks left for the name and ports *etc.* of the ships. Another blank is left to be filled up with the word Indigo, if you judge it for H.M. service and the advantage of Trade, or else to be left in blank, if you find it reasonable. You are to keep a register of the passes, and send me an account from time to time of your proceedings, *etc.* *Encloses* happy news from the Netherlands and Barcelona to be published among the Spanish Plantations. *Signed*, C. Hedges. [C.O. 324, 30. pp. 92, 93.]

May 30.
Whitehall.

351. Council of Trade and Plantations to Governor Sir B. Granville. *Acknowledge* letter of March 4. We hope that long before this comes to your hands, Commadore Kerr will be arrived in your parts with a squadron of men of war. We do not doubt of your courage and conduct in the defence of Barbadoes, in case of an attack, and of your giving such aid to your neighbours as may consist with the safety of your Government. We just now hear by Sir J. Stanley that you have not received H.M.

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pleasure by a Secretary of State concerning the late differences in Barbadoes, and particularly for the restoring the suspended Counsellors upon their submission, which we think was incumbent on the Agents to have solicited in that Office, and transmitted to you, as we have acquainted him. We are preparing a report upon *his Memorial following*. [C.O. 29, 10. pp. 61, 62.]

[May 31.] **352.** Sir John Stanley to the Council of Trade and Plantations. H.M. granted the Governor of Barbados power to restore the four suspended Councillors upon their submission. Three of them are dead; and Major Lillington has not made any submission. He prays H.M. to confirm those gentlemen who have been sworn into the Council. *Signed*, J. Stanley. *Endorsed*, Recd. Read May 31, 1706⁵. 1 p. [C.O. 28, 9. No. 45; and 29, 10. pp. 63, 64.]

May 31. **353.** Council of Trade and Plantations to the Queen. Whitehall. *Recommend* H.M. confirmation of Abell Alleyn, Wm. Cleland, James Colleton and Middleton Chamberlain in the Council of Barbados, *as preceding*. [C.O. 29, 10. pp. 65, 66.]

May 31. **354.** Circular letter to the Governors of Plantations from Whitehall. the Council of Trade and Plantations. You are to appoint a proper and speedy Day of Thanksgiving for H.M. victories in the Spanish Netherlands and Catalonia, as is prescribed by enclosed Proclamation. *See* March 29, 30. [C.O. 324, 9. pp. 122, 123.]

[May.] **355.** Merchants and Planters concerned in Nevis and St. Kitts to Sir C. Hedges. *Recount* the invasions of the French Feb. 11, and March 22. The damage done to Nevis, by a modest computation, amounts to a million of money, besides all H.M. Forts, with 100 cannon and all warlike stores. Two days before their departure they forced the inhabitants' consent to deliver 1,400 negroes or 42,000*l.* by Oct. 8, taking as hostages 4 of the principal inhabitants. *Propose* speedy relieve in respect to that article; the inhabitants, not being able to comply, will be forced to desert the Island, as some have already done, the Enemy having threatned, if not performed, to use the utmost extremity of fire and sword, and will send all the men to New Spaine and the women and children among the French. *Pray* that sufficient ships of war and regular forces, guns, warlike stores and provisions be sent there, the enemy destroying and carrying away all provisions and live cattell that are proper for subsistence; see that the poor distressed inhabitants will starve unless relieved by H.M., the merchants tradeing there being wholly disabled to supply them. That H.M. take into her princely compassion the deplorable condition of her distressed subjects for the further relieve of their great losses, *etc.* *Signed*, Jos. Jory, Rich. Meriwether, F. Duport, John Tonstall, Jasper Wall, Joseph Martyn, Ja. Walker, Saml. Ball, Dan. Alford. *Endorsed*, May, 1706. 1½ pp. [C.O. 152, 39. No. 110.]

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June 1.
Whitehall.

356. Mr. Sec. Hedges to the Governors of Plantations. The *Herbert* galley is to be allowed to lade and depart without convoy. *Signed*, C. Hedges. [C.O. 324, 30. p. 91.]

June 3.
Nevis.

357. Col. Abbott to the Council of Trade and Plantations. Herewith wee have sent you an account of the discent the French have made upon this H.M. Island, as alsoe a copy of the Treaty of Capitulation made with Monsieur D'ibervill, their Generall. Wee have allsoe laid before your Lordships the perfidiousness of that Generall in his breach of the severall articles that were concluded upon, as well as the unchristianlike usage of us whilst prisoners, and the force he imposed upon most of our principall freeholders in order to compell them to sign a second Treaty whereby they were to pay him in 6 months 42,000*l.*, or 1,400 negroes to be delivered his order at Martinico, either of which is impossible to effect. We humbly intreat your Lordships to commiserate our condition, by using all possible means with H.M. that some such measur's may be taken, as may relieve us her distressed subjects. *Signed*, Richd. Abbott. *Endorsed*, Recd. 7th, Read Aug. 8th, 1706. 1 p. *Enclosed*,

357. i. H.M. poor distressed subjects of Nevis to the Queen. A suddaine and unexpected turn of Fortune, and the too great strength and unreasonable avarice of your Majesty's implacable enemies the French, together with the perfidious breach of faith of M. D'Ibervill—we are reduced to the very last extremity and must inevitably perish or become slaves with our wives and children to the enemy, if not speedily relieved and supported by your Majesty. Wee therefore your Majesty's most dutifull, though at present most miserable subjects, do in all humility prostrate ourselves at your Majesty's feet, most humbly and earnestly entreating and imploring your Majesty not to abandon and forsake us in this our deplorable condition *etc.* *Signed*, Richd. Abbott, Wm. Burt, Jno. Smargin, Aza. Pinney, Da. Ravenhill, Tho. Belman, Ja. Bevon, Samuel Browne, Jon. Thornton, Edwd. Gardner, Tho. Cottgrave, Jed. Meriwether. *Same endorsement*. 2 pp.

357. ii. Account of the taking of Nevis, and M. Dibervill's breach of the Treaty *etc.* March 21 between 2 and 4 p.m., betwixt 50 and 60 sayle of vessell great and small appeared betwixt Mounsaratt and Antegoa, standing for this Island, whereof 12 were men of war, from 30 to 70 guns, 5 of the greatest with some sloops fell to leeward and the rest kept their course to the northward, which made us suspect they had a design to attack us in the Narrows and northermost bays. This occasioned our second fireing off our alarm gunns to hasten the people to their severall posts. In the evening Col. Abbott called a Council of War and troops were posted in expectation of an attempt to land to the Northward. 5 of the enemy's greatest ships came to anchor in the mouth of the

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Narrows, without reach of our cannon, the rest altered their course in the night, and runn in close with the shoar, landing neer 3,000 men at a bye-place called Green Bay, without any oposition, and though the severall companys with the outguards made what hast they possibly could to opose them, yet that was rendered altogether impracticable by the enemy being so much superior in number, and our forces to the northward being still detain'd on that side, by the appearance of the Enemy's ships and sloops in the Narrows, amongst which forces were the two companys of Col. Whetham's Regiment, both of which did not make up above 35 men, Col. Johnson having taken the remainder to Antigua, which added to our Militia did not amount to above 400 men. The main body of the Enemy were masters of Charles Towne by break of day, and in less then an houre of 4 of the best platforms, which were onely defenceably to the sea. Nothing more happened this nor the succeeding days, except frequent skirmishing. We were still obliged to give way to their numbers. This caused us to make as orderly a retreat as possible to ye mountains, where the women and children had taken refuge in soe great a hurry. Next day, the 24th, upon the enemy's advance with 4,000 men, a parley was beat and articles of surrendry agreed upon [*see below*], which how perfidiously and contrary to the law of arms they were broake, wee are now to make appeare. The first breach was of the 5th article; for the verry next day they burnt not only severall boyleing houses, but the very dwelling-houses themselves, not leaveing at their going away above 20 standing in the whole Island, the Towne excepted. As to their 1st and 6th articles, the greatest part of the officers and inhabitants were carryed to Charles Towne, where the small pox and other distempers were reigning, and their crowded up in houses without haveing the liberty to goe abroad to get sustenance for themselves and familys, little or none being allowed them by the Enemye, and which was worse, after 3 days' such usage the men were all taken up by order of M. D'Ibervill and close imprisoned for neer 10 dayes in the Church, goal and other houses without so much as bread and water except what was privately brought to them by their miserable wives and children, and when aplycation was made to him, in behalf of those imprisoned, his answer was that they ought not to complaine, for they were used but as prisoners of warr as they were, and further that wee had broak the articles of capitulation by our not delivering our negroes, wch. was a thing impossable for us to doe, the negroes being armed and wee kept close prisoners, and in reallity by what wee could gather

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the enemye themselves, as numerous as they were, never did attempt it without great loss of men, if not quite beat by the negroes out of the mountains, and they by their own confession had taken off 3,200 slaves besides the greatest parts of our mills and coppers, with other rich merchandizes to the vallew of a great many scores of thousand pounds, yet all this was not sufficient to sattisfie the avarice of that perfidious generall, but on April 6th. he issued out his orders for the convening of all the principall officers and others the inhabitants of this Island, to whom he made a second proposall [*see below*]. They declared their inabilitly to comply. Whereupon he ordered them immediately to be put on board the severall men of warr in the Road, threightening that, in case they refused to sign such Treaty, they would separate the husbands from the wives and children, and transport them amongst the Spaniards, and his officers told severall of the Gentlemen that, if they would not sign such instruments of writeing as the Generall had offered, they would compell them too it, and imediately they found their usage more severe, severall persons that were on board some of the men of warr, having no other food but mouldy bisquett and horse beans boyled ; and Col. Abbott, Col. Burt, Col. Wm. Buttler, and James Bevon, all of H.M. Councill, that were confined on board the man of warr commanded by M. D'Ibervill himselfe were peremptorily told that they shold be sent for France if they would not comply with their demands, and that they should not be suffered to go on shoar, to take leave or to make any provision for their familys. By this and other hardships imposed upon them and others, to which they saw no probabilitly of an end to be put to, they were constrained to put their hands to the proposalls before mentioned. This being not in our power to comply within the time limited, the consequences of it would be that their forces will return and carry the inhabitants off into miserable slavery, which if not spedily releaved by H.M. will be a totall losse of this her Collony, and the inavitable ruin of a great many trading men to this Island. It would be too tedious to repeat their unaccountable crewelty in burning and destroying our Churches, digging up of our dead, the defacing their monuments and tombstones, in imprisoning severall of our men and women, whome they suspected to have beene wealthy, their destroying our records and papers, contrary to the 9th article of the Treaty, and to conclude, their own Generall's Declaration, that he was not under any obligation any longer to observe the Treaty of Capitulation. *Signed*, Richd. Abbott. *Endorsed*, Reed. Aug. 7, 1706. 5 pp.

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357. iii. (a) Conditions of Surrender granted by M. d'Iberville to Col. Abbot and the Officers of Nevis. (1) All officers and inhabitants shall have good quarter. (2) and their wearing apparel, but the rest carried away. (3) The Governor and all the officers and troops shall surrender prisoners at war, and all the inhabitants. (4) The Governor and Officers shall go out with their arms. (5) The houses shall be preserved as much as possible. (6) They shall be allotted houses to lodge in till we go off the Island. (7) All the negroes shall be delivered me. I give Col. Abbot 12, the President 8, the Captain 3, the Lt. 2, and the Queen's Commissioner 2. (8) That they set at liberty Madam Safart, if she is not dead, who they detain against all right of Nation. (9) That all their papers be delivered me. (10) All officers and inhabitants shall be at liberty, on condition they set at liberty a like number of French that are in England, and on the English Islands, which they shall send into France, or to the French Islands. (11) There shall be a list taken of all the officers and inhabitants, women and children that are in the Island, so that a like number may be rendred. (12) That 4 hostages shall be delivered me for the performance of the exchange. Given before the redoubt of Nevis, April 4, 1706. (N.S.) *Signed*, D'Iberville. *Subscribed*, (b) These are to certify and make known to all people that I have given, bargained and freely granted unto the severall inhabitants of this Island, that have signed the agreement of April 4 (*above*), all negroes, houses, mills, coffers, stills, horses, cattle, and all other stocks whatsoever, all goods, chattels and other commodities and things whatsoever that were to have been rendred to me, or that I might have taken or destroyed, in consideration of 1,400 negroes, which they are to deliver me or order at Martineco within 6 months, and in case any of the said number of negroes should be wanting, they are to pay at the said place for every such 100 pieces of 8. My meaning as to that article of houses is, those which are in the severall towns as also in the country, and that no negroes, mills, coppers, and stills, horses and chattles shall be taken off by any person or persons under my command, or any houses burnt, or other harm or prejudice whatsoever done the said Island from the date hereof, April 4th, 1706. *Signed*, D'Iberville. *Endorsed*, Recd. June 26, 1706. 2½ pp.
357. iv. Remonstrance by Col. Abbott and Mr. Burt to M. D'Iberville. Charles Town, March 30. The confinement of our people to a close prison without bread or water, has been a very great surprize to us. Both by the Treaty and your own word and honour, they were to be civilly used. Wee understand orders have been gave to your troops that marched yesterday

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evening to bring in all the women and children out of the country to this place. This will not be agreeable to the 1st article of Capitulation (*see above*). If their houses be burnt, it will be an absolute breach of the 4th article. It is not in our power to compell our negroes to come in, but wee declare that wee cannot esteem those our friends that encourage them to the contrary. The Surgeons are this day imprisoned, notwithstanding your Excellency's protection, whereby they are disabled from taking care of such as are wounded, and in particular Col. Daniel Smith. When St. Kitts was, in 1690, reduced to the subjection of the Crown of England, the negroes kept out in the mountains more then a twelvemonth, and never could be brought in, they killed many English, yet that never was laid to the charge of the prisoners. It is scarce in the memory of man, no not in the strictest times, that ever prisoners of warr were soe closely confined after articles of capitulation, more especially no destination is made betwixt the officers and common people. Lett such as are guilty of any breach of articles suffer, and the innocent goe free, *etc.* *Signed*, Richard Abbott, Wm. Burt. *Copy.* 1 $\frac{3}{4}$ pp.

357. v. Certificate that there were upon Nevis, when taken, 430 men and officers ; 75 men, women and children of H.M. regular troops ; 330 seamen belonging to 25 vessels then in the Roads ; 311 women, 612 children ; 6,023 negroes. April 6, 1706. *Signed*, Richard Abbott, and the Council. Lists of officers :—Col. Rd. Abbott, Lt. Coll. R. Elleis, Major Sam. Gardner, Capt. Tho. Bridgwater, Capt. Tho. Minor, Lt. John Smargen, Lt. Tho. Abbott, Lt. Rich. Abbott, Lt. Edward Gardner, Lt. Peter Bowdon, Lt. Wm. Burt, Lt. John Bishop, Lt. Tho. Cotgrave, Lt. Josuah Hobson, Lt. Cha. Bridgwater, Ensigne Wm. Davis, Tho. Belman, A.D.C., Col. Daniell Smith, Lt. Col. Wm. Butler, Major Michal. Williams, Capt. Sam. Clarke, Capt. Jos. Symonds, Capt. John Richardson, Lt. Henry Litton, Lt. William Maynard, Lt. Jacob Williams, Lt. Geo. We(e)bb, Lt. Jos. Stanley, Lt. James Symonds, Lt. Richd. Walker, Ensigne Charles Earle, James Browne, A.D.C., Col. Wm. Burt, Lt. Col. Tho. Butler, Wm. Child, Major, killed, James Butler, William Rogerson, John Powell, Ministers. John Ward, Collector. 2 $\frac{1}{2}$ pp.
357. vi. Agreement of April 19th, between M. D'Iberville and the inhabitants of Nevis. Having failed to fulfil the Article of the Treaty, by which they bound themselves to bring in all the negroes in the Islands, the said inhabitants undertake to bring to Martinique in 3 months from to-day 1,400 negroes, or 100 pieces of eight for each they fail to bring. They will give 4 hostages for the fulfilment of this engagement and of the article

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of capitulation relating to the exchange of prisoners. M. D'Iberville promises that there shall be no insult or hindrance committed by filibusters after the departure of the fleet. He will leave the inhabitants their horses, cattle, coppers, mills, etc. *Signed*, D'Iberville, Dumeynis, Chavagnac. Rd. Abbot, Wm. Burt, Wm. Butler, Robt. Elleis, Jno. Smargen, Aza. Pinney, Jno. Horne, J. Bevon, James Milliken, Jos. Stanley, Mich. Williams, Jacob Williams, Edw. Gardner, Tho. Bridgwater, Cha. Bridgwater, Tho. Abbot, Jacob Satur, Geo. Cheret, Tho. Cottgrave, Geo. Meriweather, Isaac Wignall, W. Richards, Jno. Edgerly, Solomon Israel, Jno. Wignall, James Stevens (*mark*), Tobias Pendar, Tho. Goare, Tho. Powell, Abra. Smargin, Jos. Rayes, Jno. Bowry (*mark*), Abra. Bueno de Mezo [*or Mezgt. ?*], Isaac Francis, Josa. Hobson, Henry Rawlins (*mark*), Geo. Litman, Leo. Hendrickson, Wm. Avent, Matthew Martyn (*mark*), Wm. Smith (*mark*), Walter Tobin, Tho. Neale, Isaac Pinhero, Sam. Jefferys, senr. (*mark*), Hannaniah Arrobas, James Caskey (*mark*), Wm. Wignall, Wm. Ely, Edw. Lashley, Joseph Austin, Wm. Wyet (*mark*), Jno. Griffin, Wm. Libur, Jenkin Rice, Tho. Sargent, Peter Bowdon, Hen. Lytton, Raphll. Abendana, Wm. Davis, Geo. Burt, Joseph Symonds, Mich. Nowell, Sam. Jeffereys, Joseph Prossor, Tho. Easom, Cha. Earle, Tho. Wilkinson, Jno. Slade, Wm. Bennet (*mark*), John Smith, Isr. Smith (*mark*), Jno. Wattlely, Ja. Symonds, Jno. Thornton, Sam. Clarke, Nich. Burrows, Jno. Haynes, Jno. Oesterman, Jno. Byshopp, Wm. Maynard, Jno. Smith, Francis Saunders, Jonas Webbe, Sam. Gardner, Ben. Chezus, Jno. Latogsoneur, Tho. Bartlet, Jno. Knight (*mark*), Peter Peterson (*mark*), Geo. Chapel, Ambros Frost, Jno. Coker, Sam. Browne, Tho. Minor, Tho. Wallwin, Jno. Brookes, Thomas Butler, P. Andrews. *French. 2 pp.*

357. vii. Declaration by M. D'Iberville, April $\frac{9}{20}$. All the surplus remaining from the 1,400 negroes and the coppers, sugar-mills, cattle, horses and made sugar shall be divided equally amongst those interested who have signed here [*? above*], in proportion to their wealth before the taking of Nevis, and no others. *Signed*, D'Iberville. *French. Copy. $\frac{1}{2}$ p.*

357. viii. Pass for ships from Nevis to St. Thomas and Martinique, from April 20–Oct. 31, 1706, to enable the inhabitants to fulfil the *above* engagement. *Signed*, D'Iberville. *Seal. French. $\frac{3}{4}$ p.*

357. ix. Certificate by M. D'Iberville that he has taken 3,187 negroes from Nevis, 2,387 for the fleet and 800 for the filibusters. *Signed*, D'Iberville. *French. $\frac{1}{2}$ p.* [*C.O. 152, 6. Nos. 58, 58.i., ii. (covering letter and Nos. i., ii. only); and (without enclosures) 153, 9. pp. 385, 386; and (No. ii. only) 184.i. No. 6.i.; and (No. iii. only) 152, 6.*

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No. 56; and (first part of No. iii. only, 2 copies in French and one in English) 184, 1. Nos. 6.ii., 7, 8; and (second part of No. iii. only, in French and English) 184, 1. Nos. 11, 12; and (covering letter only, dated April 23) 184, 1. No. 6; and (Nos. iv.-ix. only) 184, 1. Nos. 9, 10, 13-16; and (duplicates of i., iii(a) French, iv., v., ix.) 152, 42. Nos. 2, 2.i-iv.]

- June 4. **358.** Council of Trade and Plantations to Mr. Secretary Hedges. Enclose extracts from Governor Dudley's letters relating to drift whales and prisoners. The Governor of Canada's proposals containing more than the exchange of prisoners, vizt. a truce, of which Col. Dudley says he has no need, as likewise about the Fishery, we do not think it advisable that he do proceed therein; But as to the exchange of prisoners proposed by Col. Dudley, we humbly conceive it may be for H.M. service that Col. Dudley receive H.M. pleasure for the same. As for his proposal for attacking the French, which has been also proposed by the Lord Cornbury, we humbly submit the same to H.M. [C.O. 5, 912. pp. 153-155.]
- June 5. **359.** W. Popple to Richard Savage. The Council of Trade and Plantations desire to know what Naval Stores have been imported from the Plantations the last year, and what quantity of whale blubber, oyl or fins from New England the two last years. [C.O. 324, 9. p. 124.]
- June 6. **360.** Mr. Secretary Hedges to the Commander of the Fort at Newfoundland. *Encloses* Instructions (see April 11, 1706). I cannot but make use of this opportunity to advise you to behave yourself in such a manner as that you may give no just occasion of complaint, which I know you will take as a friendly caution from, *Signed*, C. Hedges. [C.O. 324, 30. p. 105.]
- June 6. **361.** Same to the Commander of the Newfoundland Convoy. *Encloses* Instructions, April 11. *Signed*, C. Hedges. [C.O. 324, 30. p. 105.]
- June 6. **362.** Mr. Secretary Hedges to the Council of Trade and Plantations. You are to prepare a scheme for fortifying the Bahamas [see April 24] to be layd before H.M. *Signed*, C. Hedges. *Endorsed*, Recd. Read June 7, 1706. 1 p. [C.O. 5, 1263. No. 110; and 5, 1291. p. 293.]
- June 7. **363.** Mr. Savage to Mr. Popple. *In reply to No. 359*, encloses Custom House, following. *Signed*, Rich. Savage. *Endorsed*, Recd. Read London. June 11, 1706. *Addressed*. 1 p. *Enclosed*,
363. i. Naval Stores imported from the Plantations, Dec. 25, 1704-Dec. 25, 1705. Cordage 4 cwt. Masts, great, 106, pitch and tar 179 last, Rozen 47 cwt. 3 qrs. 25 lb. Whale fins Xtmas 1703-1704, 318 cwt. 1 qr. 20 lb. Xtmas, 1704-1705, 85 cwt. 1 qr. 22 lb. Oyl, 1704, 214 tuns,

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3 *hd.* 42 *gal.* ; 1705, 112 *tuns*, 1 *hd.* 40½ *gal.* No Whale blubber. *Signed*, Charles d'Avenant, Inspector General of Imports and Exports, June 7, 1706. 2 *pp.* [*C.O.* 323, 6. *Nos.* 8, 8.i. ; and 324, 9. *pp.* 124, 125.]

June 7. **364.** Council of Trade and Plantations to the Queen. Offer
Whitehall. for repeal 3 Acts of Barbados, vizt.—(1) to encourage privateers, (2) for fitting out vessels of war, which give the whole prize to the privateers and thereby infringe H.M. prerogative, (3) to secure the peaceable possession of negroes (*see Attorney General's Report*). Recommend for confirmation 9 Acts passed 1701–1705. [*C.O.* 29, 10. *pp.* 67–70.]

June 10. **365.** Order of Queen in Council. Referring enclosed for
Windsor. their report to the Council of Trade and Plantations. *Signed*, John Povey. *Endorsed*, Reed. Read June 18, 1706. 1 *p.* *Enclosed*,

365. i. Richard Butler, William Ashton, Henry Pacey, and others, to the Queen. Enclose annexed proposal, and pray H.M. to transmit annexed queries to be answered by the several Governors to be laid before the House of Commons at their first meeting. 1 *p.*

365. ii. A Proposall for an annuall consumption of wooll, to prevent clandestine exportations thereof, and to advance the price of the English Draperies abroad, to enable the Tenants to pay their rents, and for employing the poor, with duties *etc.* passing 2 or 3 millions for carrying on the war. (1) The Planters in the Carribbee Islands having got vast runs of lands gratis, only paying a small acknowledgement, and having plantations settled with great numbers of white servants, negroes and Indian slaves, have not had such a regard to England as to cloath their white servants and slaves with an English manufacture, and the Colonys on the Maine, being well peopled, have great tracts of land, following husbandry as in England, gratis, plant tobacco, build ships to carry their grain *etc.* to forreigne ports, and also furnish the Islands, to the great prejudice of the Trade of England, having opportunity of underselling us by reason their ports lye nigher, whereby they are grown very wealthy, having many white servants, negroes and Indian slaves, and paying them no wages further increase the planter's riches, who never paid taxes to any warrs. (2) Therefore it is proposed that the Planters be by an Act here obliged to cloath their servants and slaves with an English manufacture, viz., of linsey woolsey for the Islands made of ¾ course wooll and ¼ hemp for jacketts and breeches for men, pettycoats and waistcoats for women, and so for boys and girls, which will be convenient and decent cloathing for working negroes in lieu of their clouts, which they wear at present, and will prevent a generation of

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mulatto's and mustees, and preserve their healths from the diseases of the climate. This cloathing to be disposed of to the Planters by way of barter so cheap as not to exceed the value of one piece of eight for each shape, which will save the Planter ready money, which he now pays for a course hempen cloathing for his house negroes, since the Planters cannot find any cloathing from their own produce. (3) The Planters having never been obliged by any Act of Parliament in England, or any voluntary act of their own to pay any taxes towards the warr, whilst England, to protect them, is at vast expence in peace and warr, and has long laboured under heavy taxes, It is humbly offered that the Planters may by an Act cloath their servants with a warm cloathing manufactured in England all of coarse wooll *etc.* not exceeding 20s. each shape. This method for cloathing is proposed to be by way of barter for their commodities as Navall Stores *etc.*, and is no more than what the Dutch, French and Spaniards do. *Proposals* for taxing imports into the American and West Indian Colonies. Petitioners pray to be considered for carrying on this great design. *Copy.* 12 pp.

365. iii., iv. Enquiries to be answered by Governor Handasyde and Governor Dudley. *Copies.* 2 pp. [C.O. 323, 6. Nos. 10, 10.i-iv; and (Order and enclosure i only) 324, 9. pp. 126, 127.]

June 10.
Windsor.

366. Order of Queen in Council. Repealing the two Acts of Carolina [see May 24]. The Proprietors and Assembly are strictly enjoined not to permit them to be from henceforward put in execution, but to declare them null and void, as they will answer the contrary. *Signed,* John Povey. *Endorsed,* Recd. Read June 13, 1706. 1½ pp. [C.O. 5, 1263. No. 111; and 5, 1291. p. 394.]

June 10.
Windsor.

367. Order of Queen in Council. Approving Representation of May 24, and ordering, for the more effectual proceeding against the Charters of the Proprietors of Carolina, that the Attorney and Solicitor General report what may be necessary for effecting the same with all convenient speed. *Signed and endorsed as preceding.* 1 p. [C.O. 5, 1263. No. 112; and 5, 1291. p. 395.]

June 10.
Windsor.

368. Order of Queen in Council. Upon the appeal of Sir H. Ashhurst, the sentence of costs Aug. 24, 1705, in the case of the Mohegan Indians, is reversed and a Commission of Review granted for determining their claim. Lord Cornbury to be a Commissioner; others to be proposed by the Council of Trade and Plantations, who are to send instructions to the Attorney General for drawing the said Commission, and to consider enclosed petition, and all other necessary dispatches to be passed expedited at H.M. charges in favour of the said Indians, and to report with all convenient speed. *Signed,* John Povey. *Endorsed,* Recd. Read June 18, 1706. 2½ pp. *Enclosed,*

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368. i. Agent of the Mohegans to the Queen. *Prays* that in regard of their great poverty, and to prevent their going over to the French, the charges of the Commission of Review *etc.* may be paid by H.M. *etc.* Signed, Wm. Wharton. *Copy.* 1½ pp. *Order and Petition* set out, *N.Y. Docs.* IV. pp. 1176-1178. [*C.O.* 5, 1263. Nos. 115, 115.i.; and 5, 1291. pp. 407-410.]

[June 11.] 369. Attorney General to the Council of Trade and Plantations. *Report* upon the Laws of New Hampshire in force 1703. Some are expired. The Act for restraining privateers and pirates hath been repealed. Two Acts for raising 500*l.* have been already confirmed. As to the rest, I conceive they are agreeable to Law and Justice and do not contain anything prejudicial to H.M. Royall prerogative, save *the following.* (1) The Act *concerning the prudential affairs of towns*, in regard it is not plain wt. may be included within ye prudential affairs of a town. I think it proper to confirm this Law for a certain time onely, and till H.M. by Order in Council shall make any other order touching the same. (2) The Act *for the settling and distribution of intestates' estates etc.*, making a distribution of the real estates as well as the personal estates of the deceased among all the children, is not fit to be approved, it altering ye descent of inheritances of persons residing in England, and contrary to ye course of descents of inheritances in England, and it will be inconvenient to divide Plantations. And in another part of it, for dividing estates of insolvents equally among ye creditors, it is contrary to ye Laws of England, not having any regard to the nature of the securitys for those debts. (3) The Act in addition to an Act to *compell constables to do their duties in collecting of rates* (subjecting the bodies of persons to be imprisoned for the rates laid on them in the towns, if they have no visible estate), is unreasonable there not being allow'd an appeal to ye Justices agst. ye rates. (4) As to the Act *concerning marriages*, which gives power to Justices of ye Peace, or settled Ministers residing here, to joyn persons in marriage, who have been thrice published on Meeting-days, I see no reason to allow Justices of ye Peace to marry. (5) The Act *for the maintenance and supply of ye Ministry etc.*, leaves the Ministry perfectly at ye will of ye people, and also leaves it in ye people's choice whether they will have a Minister or not, and exempts all persons who shal serve God separately according to their own perswasion from contributing to ye Minister, so that there is no settled Ministry at all in this Colony. Therefore I think this Law is not fitt to be confirmed. (6) The Act *for acknowledging of deeds*, I think unreasonable in giving a J.P. power to committ a man who will not acknowledge his deed, for that if the person denies the deed, the Justice may hereby adjudge that to be his deed wch. is not, and bind him; the acknowledgement ought to be voluntary, and the person to whom it is made ought to take care of it. (7) As to the Act *to prevent expence of time and gaming in Ordinaries*, I think it seems too severe yt. playing at nine-pins

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or any other game for money, should be prohibited. (8) The Act *for restraining of inhuman severities*, I think too large, in that willfully killing a man's own negroe servant shall be punish'd with death, for that is not the description of murder, which is killing for malice, he that doth it in his own defence doth it willfully, therefore it should be said without provocation, or of malice. (9) The Act *to prevent damages by horses*, disables all persons to put cattle on the commons, except freeholders; it should have been, or their tenants. (10) As to the Act *for punishment of criminal offenders*, there are several good provisions in this Law, but this is unreasonable, that if a man who is convicted of perjury reverses his judgment, he is to recover his damages against those who did procure such judgment, which will discourage prosecutions for perjury, since on the reversall (which may be for form) the prosecutor must answer damages to ye persons convicted. (11) As to the Act *for recording deeds and conveyances*, I see no objection against this Act, but the objection against the Act *for acknowledgment of deeds*, for by this Act alsoe the Justice hath power to committ a man refusing to acknowledge his deed, so that ye Justice is absolute judge to determine whether this deed was made or not. (12) By the additional Act *for settling intestates' estates*, etc., the estates of insolvent persons are to be distributed equally among the creditors without regard to the nature of their debts, which is contrary to the Law of England. It also gives appeal to ye Governour, but none to ye Queen. (13) By the Act *for taking affidavits out of Court*, affidavits to be used at tryals and to prove deeds may be taken without notice to the other side, which is unreasonable, and not to be allowed. (14) To the Act *for regulating seamen*, I have no objection except that therein is a clause which I doubt will include Capts. of ye Queen's men-of-war, vizt., that if any Commander of any ship shall ship any seaman knowing him to be first entertain'd on board another ship, and after notice thereof given shall not dismiss him, shal forfeit 5*l*. (15) By the Act *for regulating of tryals in Civil causes*, errors and reviews are allowed in this Province to ye Governour and the Council, but no appeal to H.M. (16) The Act *for establishing Courts of Publick Justice*, I conceive intrinches on H.M. prerogative and power given to her Governour to erect Courts, and altho' it allows an Appeal to H.M., where the value in demand is above 300*l*., yet it prevents H.M. allowing an Appeal if for less, which she may do if she pleases. *Signed*, Edw. Northey. Aug. 17, 1704. *Endorsed*, Recd. Aug. 19, 1704, Read June 11, 1706. *Edges torn*. 6 pp. [C.O. 5, 864. No. 64; and 5, 912. pp. 156-171.]

June 11.
Office of
Ordinance.

370. Board of Ordnance to the Council of Trade and Plantations. *Reply* to May 28. We have writt to Col. Handasyde to demand of Mr. Daniel of Carolina the stores which he borrowed, and in case of non-compliance to acquaint him that the bond of 1,000*l*. penalty shoud be putt in suit. If neither the stores nor value can be recovered, we must lay the same before H.M. *Signed*, C. Musgrave, Ja. Lowther, Ja. Craggs. *Endorsed*, Recd.

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Read June 13, 1706. 1 p. [C.O. 137, 7. No. 24; and 138, 11. pp. 477, 478.]

June 13.
Bermuda.

371. Mr. Nelson to the Council of Trade and Plantations. The usage wee meet with here may excuse this relation. There lately arrived a sloop from Martinico, which had been with French prisoners, and brought back great quantities of French commodities, web. are sold at extravagant rates. Immediately upon her arrivall, ye Governour with others went for atast [*? a taste*], but (as generally reported) it had so great an influence yt. before they parted they all sript [*? stripped*], and danced naked with other od circumstances, in ye said Company were 3 of ye Councell old men, and severall of ye Cheife Officers of ye Country. In Aug. last the Assembly came not down according to adjournment (which I take to be a discontinuing), yet about a fortnight after, they meet by ye Governour's private letter. *Signed*, Gilbt. Nelson. *Endorsed*, Recd. 5th, Read Aug. 6th, 1706. *Addressed*. *Holograph*. $\frac{1}{2}$ p. [C.O. 37, 7. No. 33.]

[June 13.] **372.** Proprietors of Carolina :—Ld. Granvill, Palatine, Ld. Craven, Ld. Carteret, a minor, Sir John Colleton, [*John*] Archd[a]le, Morris Ashley, Nicholas Trott, Blake, a minor in Carolina, son of Col. Thomas Blake, decd. Proprietors of the Bahamas. See *C.S.P.*, 1702. No. 230, etc. *Endorsed*, Recd. from Mr. Graves, June 13, 1706. 1 p. [C.O. 5, 1263. No. 113.]

[June 13.] **373.** Copy of H.M. Commission to John Bridger to be Surveyor General of the Woods on the Continent of America etc. *Countersigned*, Godolphin, St. James's. Dec. 24, 1705. *Endorsed*, Recd. June 13, 1706. 2 pp. [C.O. 5, 864. No. 66; and 5, 912. pp. 172–177.]

June 14.
Whitehall. **374.** Certificate from the Council of Trade and Plantations, in favour of Mr. Jackson. Having received several certificates by the inhabitants, masters of ships and soldiers of St. Johns, that he is a person of honest principle and sober and peaceable life, they recommend him to the charity and goodness of all well disposed persons. *Signed*, W. P. jr. 1 p. [C.O. 194, 3. No. 164; and 195, 4. p. 284.]

June 17.
Whitehall. **375.** Council of Trade and Plantations to Mr. Secretary Hedges. In reply to June 6. Mr. Graves informs us that if 100 soldiers and stores, *as below*, were sent to the Bahama Islands, and all the 4 or 500 inhabitants scattered in the Islands were summon'd to Providence, they wou'd jointly be able to defend themselves against any attempt of the enemy; that the inhabitants will be assisting in repairing the fort and building the barracks etc., but must to that end have provisions of meat and drink allowed them; that till the Fort can be repaired and barracks built, hutts may be raised in some few days sufficient to lodge the soldiers and inhabitants and to secure them from the weather. We are sensible that the proposal of fortifying this Island may

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be look'd upon as unseasonable at this time, considering H.M. other important occasions, besides that it may seem not proper for H.M. to be at the expence of fortifying a place of which she hath not the quiet and legal possession, and that it will require a considerable time to evict the title of the Proprietors by a legal process ; but on the other hand it is to be considered that, if in the meantime the French from Petit Guaves or other adjacent places, or the Spaniards who are in the French interest shou'd from Cuba or Hispaniola settle themselves upon Providence, it may prove destructive to our Jamaica and other trades, and wou'd be a far greater charge to H.M. to dislodge them, than by a timely supply to prevent their settlement. In case therefore it be resolved to fortify Providence at present, we have reduced the expence thereof to the inclosed proposals. We humbly submit, whether the Commander of the soldiers shou'd not likewise be Governor of the Islands. *Autograph signatures. 3 pp. Annexed,*

375. i. Scheme for securing the Bahama Islands. The fort at Providence wants reparation, but what, cannot exactly be said, till it be viewed again. However, there will want barracks, Governor's House and Store house, 100 soldiers and officers ; 200 spare arms etc. and ammunition ; carriages and stores for 40 great guns ; 18 masons, smiths etc ; tools for store and timber, coal, iron, nails and oars ; provisions for a year and a small man of war. 2 pp. [*C.O. 23, 12. Nos. 68, 68.i. ; and 5, 1291. pp. 396-399.*]

June 18.
Suffolk
in Port Royal
Harbour.

376. Admiral Whetstone to Mr. Secretary Hedges. Yours of Jan. 31 did not come to my hands till May 12, at wch. time I came in from the Spanish coast, and had then ye certaine advice of ye Galloones being arrived at Carthagene 12 days before I came upon yt. coast, to ye no. of 30 odd, which consisted of their Barlaventer Fleett Galloones, and Flota, since wch. wee have allsoe had an acct. of Mounsr. Ducass' being there with 8 saile of large and 2 small men of warr, wch. 'tis believed ye biggest of them will goe downe for ye Havanna, and there waite to joyne M. Ducass, who 'tis thought will goe downe with the Galloones to Leverdecruxe, and stay there till they have taken in their ladeing, and soe to come up to ye Havanna, in order to goe home a convoy to them, and there squadron will then consist of 12 or 14 men of warr. This appearance of ye French in ye West Indies makes the Spanyards very uneasy, especially those inclined to ye interest of King Charles III, wch. are ye major part of ye people, who dare not shew it, without there be a superiour power to protect them against the insolencys of ye French, wch. must be done by a squadron of shippes to prevent the French trade and to gaurd the Spanish ports, they'l hardly ever incline to receive land forces from any other but ye Spanyards themselves, for ye French imposing that upon them, has made them their mortall enemies, when they can have an oppertunity to show it ; of the good inclination of ye Spanyards to King Charles, I am

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well assured by some I lately took who have given me reasons to believe ye same. The Spanish and French shippes that goes downe to Leverdecruix will undoubtedly be very rich when they come back againe about Feb. and March, and for ye preventing of their getting to Europe, if any shippes be employed in that service, they must be there in those months, wch. if it please God to send us well home, I hope to have ye opportunity of acquainting yr. Honour more at large. *Signed*, Will. Whetstone. *Endorsed*, R. 31 Jul. *Addressed*. *Sealed*. 2 pp. [C.O. 137, 45. No. 79.]

June 18.
Jamaica.

377. Governor Handasyd to the Council of Trade and Plantations. I have had none from your Lorps. by these two last packetts. We have had an imbargo here for these 6 or 7 weeks past, on news of the enemy's being to windward, and by all hands it is confirmed they had a design agst. us, if the ships from old France had joined them, wch. they expected, and if they had come, I am of opinion they would have found very hott work. I likewise proclaimed Martiall Law, to oblige these headstrong people to put themselves in a posture of defence, by wch. means I have got sevell. fortifications and batterys raised, wch. otherwise never would have been done, as well as disciplined the people, and taught them how they should behave themselves in case of an attempt. But having had an account that ye enemy is dispersed, the imbargo is off, and the law will go on as usuall. I have advice that there are 5 or 6 French men-of-warr gone down to the Havanna, and I am of opinion they are gone to join the Plate Fleet, and if they refuse their convoy, to force them to it, but this is only what I conjecture. I hope the English and Dutch Fleet may meet with them, before they gett where they designe, by what I understand, the Spaniard is very apprehensive of them. I have heard nothing yet of the flag of truce which I sent to the Spanish Governours, so that I believe she is fallen into the hands of the French, who make no scruple in these parts of breaking the rules of warr, or else that she is detained by the Spaniards till the Flota is gone. I delivred out to the Militia, all the arms that were in the stores, and have taken their receipts for them to pay for them at reasonable rates, when H.M. shall demand payment, and have likewise obliged every planter to arm as many of his negroes as he dare trust, but to take their arms from them as soon as the exercise is over. There have been four of the chief Indians from Darian to request the favour of 30 fire-arms and 2lb. of powder for each fire-arm, cartouch boxes, balls and flints, and I haveing been informed that they are well inclined to the English Government by assisting every vessel which comes that way with what their country produces, it was unanimously agreed on in a Council of Warr, that they should have 30 fire-arms given them with powder, ball, flints proportionable, after wch. sent them home in the same sloop that brought them. One FitzGerald, a soldier in H.M. regiment under my command, deserted his colours and went over to the Spaniards in a tradeing sloop, pretending to be no

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soldier, but falling into the hands of some of the Spaniards who are our friends, they sent him for a small gratuity on board again, for wch. fact he was tried at a Court Martiall and hanged as an example to all others. As to our men-of-war I can say little of them, they have been out about 14 days, and are returned. The Admiral's ship has sprung her mainmast in 2 or 3 places, as he gives me an account, and fears it will not carry her home. I am told by some of the mercts. that there is a man-of-war, that heroe, Capt. Allen, Commander, ordered to convoy to England what ships are ready in 3 weeks, but have no such account from the Admll. I shall be obliged to call an Assembly in a very little time, to make good the extraordinary expence that has happened by taking up of spye-boats, and buying provisions, and the great charge we are at with the French prisoners, wch. I would willingly have them re-imburse the Treasury what it is out, and make the other funds good : whether I shall prevail wth. them or not God knows, there being 5 or 6 men who are commonly in the Assembly that lead all the rest by the nose, tho I am in hopes I have pretty well broke their faction. The Island is very healthy att prest. *Signed*, Tho. Handasyd. *Endorsed*, Recd. Read Aug. 2, 1706. 2 pp. [C.O. 137, 7. No. 29; and 138, 12. pp. 11-16.]

June 18. **378.** Governor Handasyd to Mr. Sec. Hedges. *Repeats*
Jamaica. *parts of preceding. Signed*, Tho. Handasyd. *Endorsed*, R.
Sept. 16, 1706. 2 pp. [C.O. 137, 51. No. 14; and 137, 45.
No. 80.]

June 19. **379.** W. Popple to Mr. Solicitor General. *Encloses Laws*
Whitehall. of Maryland 1704, 1705, for his opinion in point of law, etc. [C.O.
5, 726. p. 379.]

June 19. **380.** W. Popple, jr., to Sir E. Northey. The Council of
Whitehall. Trade and Plantations desires your opinion in point of law upon
the enclosed Act of Pennsylvania *directing the qualifications of*
officers etc. [see Jan. 19], with what convenient speed you can;
the ships for those parts being to sail in a short time. [C.O. 5,
1291. pp. 410, 411.]

June 20. **381.** E. Jones to the Council of Trade and Plantations.
Bermuda. Refers to letter of Oct. 8, 1705. I have received none from
your Lordships, except one of May 3, 1705. Those gentlemen
striving to justify their illegal proceedings, have ran themselves
into a general confusion to the prejudice of the Queen and the
whole country. (1) The Assembly adjourned themselves to
Aug. 6, 1705, but never met according to adjournment, nor sate
upon any material business since. (2) The Governor pretends
he has had no Council these 15 months past, yet often holds a
private Council at the Flatts or elsewhere, but without a Clark
or minutes or any return to the Secretary's office as hath been
accustomed. (3) Charles Walker, Samuel Spofferth, Benjamin
Wainwright and Robert White, Esq., four of the Council,

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are dead, Capt. John Tucker never appear'd, and Patrick Downing and St. George Tucker much afflicted with the gout, so that of 12 in Council there remain now only 5. (4) Many causes in Chancery have remained upwards of 4 years undetermined, and yet no Court held since my return. (5) We should have two Courts of General Assize held yearly, one in June, the other in December, yet but three has been held for six years past, and not one since my return. (6) A commission upon the death of Col. Stafford was granted to Samuel Spofferth, now dead, to be Chief Justice, and to Samuel Sherlock and Samuel Smith, assistants, with power by himself or the said two Judges by themselves to hold a Court of General Assize as by Commission inclosed may appear, but being to meet by Act of Assembly on Dec. 3, 1705, Mr. Smith (one of the Judges) only appeared and adjourn'd the Court, by means whereof, according to the opinions of Mr. Tho. Barrow, formerly Attorney General in Jamaica, Mr. James Brown, Solicitor General here, and divers other judicious persons, all the actions then upon the docquet are discontinued to the great damage of the parties therein concerned. (7) H.E. hath since commissioned Col. Anthony White Chief Justice, and joined with him Samuel Sherlock, Samuel Smith, and Col. William Tucker, who only met twice and adjourned, and indeed thus have all our Courts of Assizes been adjourned from time to time and from month to month one over the head of another without any sort of order, and to as little purpose, yet to all these adjourned Courts many of the inhabitants and Grand Jury men are compelled to travell from all parts of these Islands and to give their constant attendance to their no small trouble and expence without any manner of satisfaction. (8) Formerly all writts issued out of the Secretary's office, which the Judges used to sign and the Secretary fill them up, but now the cause of action must first be enter'd in the Secretary's office and then a copy thereof attested by the Secretary carried to the Chief Justice, many miles distant from the office, who signs a writt of his own Clark's drawing, or refuseth to sign any at his own will and pleasure, and having a general knowledge and acquaintance with the people and all their publick and private interests, being born in the country and related to great part of the inhabitants, is thereby made sensible of all matters in difference between party and party before the same come gradually before him, so that no man can be safe in commencing, prosecuting or defending any action. How far this new found method of proceedings suits with the oath of a Chief Judge here, or is consonant to an unbyassed administration of Justice, I shall not determine, but freely submit the same to your Lordships' censure. (9) The Judges to shift themselves from these miscarriages, pretend my Patent doth not entitle me to the clarkships of these Islands, but that their Commission from the Governor (tho' in his own name and not in the Queen's) sufficiently empowers them to appoint a Clark of the General Assize who shall make out writts and draw and record all the proceedings of that Court, and yet will neither constitute a Clark

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to officiate, nor admit of me or my deputy. But either Thomas Burton (Attorney General) by their order, or one of the Judges himself calls the Court and adjourns it without any Clark to record the same. (10) This they pretend is occasioned by my claiming that office, but if it be in their power to hold a Court and appoint a Clark and do it not, and yet declare it to be no part of the privileges of my Patent, I think it very absurd to fix the error of their not sitting upon me, when they were at their own liberty to embrace or reject my claim at their own discretion. (11) For my part I have hitherto beleived the clarkship of these Islands to be my just right, according to the true interest and meaning of my grant, and therefore thought it my duty rather to justify my title to them in honour to my Patent than meanly condescend to their self interested resolutions, till I was fully convinced of the contrary, and well hope I am not blameworthy in your Lordships' apprehension for my so doing. (12) The Governor confesseth I ought to be Clark of the Council, yet will not admit me so to be, but laies the fault upon the country. (13) H.E. has monthly held what he is pleased to call a testamentary Court, and Mr. Minors by the Governor's order has acted as Clark, altho' it was alwais the Secretary's business to keep the office for probat of wills and granting letters of administration etc. (14) It has been the antient custome of these Islands to take marriage lycenses out of the Secretary's office, but now by the Governor's order they repair to Mr. Minors, who upon my return removed the records, rolls, files and papers out of the Secretary's office to his own house, and 'twas a full year before he returned them again, which (by Order of Council) he should have done upon oath long before, but still refuseth so to do, and keeps many of the rolls and materiall papers belonging to the office in his own custody. (15) H.E. constantly grants Patents of the Queen's land and Commissions to all officers, civill and military, not in the Queen's stile but in his own name, and the Military Commissions under the publick seal of these Islands, and in the Chief Justice's Commission in his own name also and under the same seal he is pleased to incert the word *customary*, a word not used in former Commissions when there was no Patent Officer. (16) A list of all the Commissions upon record granted in this Governor's time comes here inclosed, by which, if the number of Commissions granted the year past be strictly compared with all those before granted since H.E. first accession to this Government, your Lordships will be induced to beleive that many of the former were never recorded. (17) H.E. is pleased to keep the Publick Seal in his own house and affixeth it to every petty Commission and other papers promiscuously, without any regard to the nature of the thing so sealed, and without recording the same or any return made to the Secretary's office, whereby the office itself is less'ned and part of my just fees taken from me. (18) H.M. stores of powder and amunition are often lent in great quantities to outward bound vessels, and as I am informed unspeakably imbezled, all which I have been sworn to preserve for H.M. service, and I do averr that before my suspension I

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maintain'd all the forts and fortifications 15 months with only 9 barrels of powder, but am now not suffered to inspect them. (19) On Aug. 2, 1705, 3 transport ships from Lisbon bound to Virginia lay off and on in sight of our harbour several days together, designing to trade with us. Whereupon H.E. ordered sundry goods to be put on board a sloop whereof himself was part owner, and Capt. John Gilbert, Master, who with Mr. Davis, the Governor's gentleman on board of him, sailed out of St. George's harbour on purpose to trade with those ships without entring the sloop and any other cleerings but the Governor's verbal order, and after two full days traffick with the said ships returned and brought on shore sundry goods which they purchased of the said ships for the Governor's use. (20) The Governor is likewise concerned in severall other vessells trading to the Northward and from thence to St. Thomas's, whereby H.M. enemies may constantly be supplied with provisions. (21) H.E. also suffers several other vessels to lie at anchor some whole months together without entring or cleering, and to unload what they think fit and so to weigh anchor again and be gon. (22) Capt. Samuel Gilbert, from Curaso and the Salt Ponds, bound to the Northward, put in here for several days and by the Governor's permission unloaded what he thought fit and so went his way to the Northward. (23) Capt. Richard Jennings of these Islands lately came from Barbados bound to old England and lay off and on til several boats went by the Governor's order and fetch'd off and landed a great quantity of rum for the Governor's use, and so divers other vessels have lately done, and yet at the same time an embargo upon all vessels whatsoever. By all which sinister actions it may be justly concluded that the Queen is much prejudiced, and myself and other officers deprived of our just fees. (24) H.E. has vouchsaf'd also to deny a writt of error to several gentlemen who have supposed themselves considerably agrieved by irregular judgements and proceedings in our several Courts of Judicature, altho' he well knows the same to be a Writt of Right and the just priviledge of the subject. (25) Capt. Nelson for want thereof has been confin'd in the common goale of St. Georges above 2 years upon 2 attachments for costs in a decree grounded upon a double verdict of common law and referred to the opinion of the Lord Chief Justice of England, which was never obtain'd nor the first determin'd. (26) I myself likewise have by my humble petition to H.E. endeavour'd to procure the same writt upon an indictment of perjury charged upon me before my suspension, but H.E. would not grant it, copys of which are here inclosed. (27) Dr. Starr who hath bin most barbarously used and an unpresidented sufferer by a severe sentence passed against him at the Quarter Sessions, desired a friend to request a writt of error from the Governor on his behalf, but being a long time delayed, passionatly said he would go in person to the Governor and see whither H.E. dar'd deny him Justice, for which he was bound over to the Quarter Sessions, where he owned the words, and added that, if he had said the Queen herself dar'd

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not deny him Justice it would have bin truth, tho' no good manners ; this language so incensed the Justices that they passed an Order in Court that the Doctor should give 500*l.* security to appear at their next General Assize. The Doctor appeared accordingly, and at several Courts since, without any further examination or bail required, so that he supposed himself discharged, but by the Governor's particular order, is remanded to prison upon the same circumstances. (28) Capt. Matthew Newnam, an Attorney at Law, and late Commander of one of H.M. forts here, observing Tho. Burton, Attorney General, to be very busy in incensing the Governor against him and other gentlemen, went to the Governor and voluntarily offered to prove Burton guilty, (a) That he offered a piece of plate and also a share of land to Capt. Nelson, then Chief Justice, if he would stand Burton's friend in an action then depending at common law. (b) That he actually made over a share of land to Governor Day, to stand his friend in the Court of Chancery, and was further guilty of champerty and maintainance. (29) H.E. turn'd the deaf ear to all these complaints, and would take no notice of them, which I perceiving, told H.E. I thought it my duty to acquaint H.E. therewith, but should not concern myself any further in it. (30) Burton being thus countenanced by H.E., slyly arrested Newnam in an action of slander and laid his damage 90*l.*, to which Capt. Newnam had no sooner put in bail but Burton applied himself to the Justices, and three of them would not take Capt. Newnam's examination on behalf of the Queen against Burton, but bound him over to appear at the next Quarter Sessions to answer Burton's complaint. (31) Governor Day, for the consideration of 13*l.*, in money to him paid for the use of the Queen as a fine and also the annual rent of 13*l.*, did on April 25, 1699, demise unto Robert White, late one of the Council, three shares of land in Pagits Tribe and two small Islands in the Sound for 21 years, which said three shares and two Islands our present Governor has seized under the notion of glebe land, and received the rent thereof, and altho upon the return of an order from himself to enquire into the title thereof, one full share and the two Islands (equal to one share more) are found to be Queen's land, which together with the rest are really worth 30*l.* per annum, yet H.E. continues to receive the rent of the whole, which rent, before my suspension, I used to receive for the Crown's use, a copy of which lease is here inclosed. *Signed*, Ed. Jones. *Endorsed*, Recd. 5th, Read Aug. 6th, 1706. 2 closely written pp. *Enclosed*,

381. i. Copy of Lt. Gov. Bennett's Commission to Samuel Spofforth to be Chief Justice of Bermuda. May 17, 1705. *Endorsed as preceding.* 1½ pp.

381. ii. Copies of similar Commission to Anthony White, May 16, 1706, and of the adjournments of the Courts of Assizes, June 4, 1705—June 3, 1706. *Endorsed*, Recd. Aug. 5, 1706. 5¼ pp.

381. iii. List of Commissions granted by Lt. Gov. Bennett, to Dec. 29, 1704, = 19. From May 17, 1705—Sept., 1706, = 30. *Endorsed as preceding.* 2½ pp.

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381. iv. Copy of a Patent for a parcel of land on the N. side of St. Georges. Granted by Lt. Gov. Bennett to Samuel Skinner, May 29, 1706. *Same endorsement.* 1½ pp.
381. v. Copy of a lease of land granted by Lt. Gov. Day to Robert White, April 25, 1699. *Same endorsement.* 2½ pp.
381. vi. Copy of Order of Quarter Sessions, July 12, 1705. Dr. Starr to be committed if he do not give 500*l.* security to be of good behaviour, he having used impudent words against the Governor and justified them in Court (*as above*). *Same endorsement.* ¾ p.
381. vii. Petition of Edward Jones to Lt. Gov. Bennett for a writ of Error out of the Court of Chancery in his conviction for perjury, Dec., 1701. May 25, 1706. *Same endorsement.* 1½ p.
381. viii. Copy of Writ of Error granted by Lt. Governor Bennett, May 25, 1706, *in pursuance of preceding.* *Same endorsement.* 1½ pp. [*C.O.* 37, 7. Nos. 31, 31.i.-viii.; and (*without enclosures*) 38, 6. pp. 204-218.]

June 21.
Whitehall.

382. Council of Trade and Plantations to Mr. Secretary Hedges. *Enclose* copy of Col. Hodges' letter, April 6. *Autograph signatures.* 1 p. [*C.O.* 184, 1. Nos. 20, 21; and (*without enclosure*) 153, 9. p. 379.]

June 23.
Barbados.

383. Governor Sir B. Granville to the Council of Trade and Plantations. *Encloses following*, and entreats a favourable representation of them to the Queen. Abell Alleyne, Esq. dyed the 16th inst., so that at present there are but 7 Councillors. The list I formerly sent being much lessen'd, I offer the enclosed to be added to it. *Encloses* Naval Officers' Accounts. *Signed*, Bevill Granville. *Endorsed*, Recd. 28th, Read Aug. 29th, 1706. *Holograph.* 2 pp. *Enclosed*,

383. i. List of persons qualified to be Members of the Council of Barbados:—Thomas Alleyne, Rains Bate, Reynold Alleyne, George Peers, John Wiltshire, Simon Lambert, Timothy Salter. *Signed*, B.G. *Same endorsement.* 1 p.

383. ii. Council and Assembly of Barbados to Governor Sir B. Granville. We lay our unhappy circumstances before your Excellency, occasioned by the poverty of our estates, great expenses in their management, vast taxes to preserve our trade and prevent our coasts from the insults of the enemy, the transportation of our money, but above all, by the small produce that our sugar yields in England, occasioned chiefly through the Dutch trade with France, by which means they are supplied from the privateers at a much cheaper rate than we are able to produce it. We entreat your Excellency to lay before H.M. the dismall apprehensions we form to ourselves from the Dutch settlement on Java, where they have already made such a progress that they can afford sugar in Holland of that Island's produce, with a considerable advantage thereon, at a

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far less value than the first cost here, which together with the other disadvantages we labour under, will in some short time irretrievably ruin this H.M. most important Island, unless H.M. shall be pleased to grant us timely relief, and to ease us of the duty on sugars, by which means only we shall be enabled to sell at an equal price with the Dutch. The long war, with the mischievous consequences that usually attend thereon, has so depopulated the Island, that we entreat your Excellency to intercede with H.M. to send us a full regiment of disciplined men, for whose farther subsistence and well being among us we are preparing a Bill, that we may thereby be enabled to support ourselves, and discourage any attempts that H.M. enemies may design against us, either from our small number or ill disposition of our fortifications, which hath already cost us so much money, both of which are sufficient inducements to a people so well acquainted with the posture of our affairs as the French Islanders are. *Refer* to their plundering Nevis *etc.* We shall not so far betray our own weakness to say we were under any apprehensions, but we humbly submit to H.M. judgment, since there was no want of inclination, what other reason there could be that should at this juncture prevent us from relieving our friends and fellow-subjects, as we did on a like occasion during the late war. We hope your Excellency will lay before H.M. that therefore it is we have begun to build a regular fortification, and design to go on with another, if H.M. will grant us her Royal assistance for carrying on the same, for so it is, that the fortifying our sea-coast, and repairing our forts and batteries has occasioned such a vast tax on the inhabitants, that they are reduced to great straits, and are ready to sink under the present weight. *Pray* that H.M., as a most tender and indulgent mother, will supply our necessitous condition with suitable remedies, order the application of the $4\frac{1}{2}$ p.c. *etc.* *Signed*, Wm. Holder, Speaker and 14 other Members of Assembly; Wm. Sharpe, C.J., and 6 other Members of Council. *Endorsed as preceding.* 1 large p. [C.O. 28, 9. Nos. 50, 50.i., ii.; and (without enclosures) 29, 10. pp. 83-85.]

June 24. **384.** Petty expences of the Board of Trade. Lady-Day to Midsummer, 11*l.* 5*s.* 8*d.* Stationer's Account, 22*l.* 9*s.* 4*d.* Postage, 89*l.* 15*s.* 6*d.* Wood and Coals, 33*l.* 19*s.* 8*d.* 5 pp. [C.O. 388, 76. Nos. 7-10.]

June 24. **385.** Mr. Dummer to Sir C. Hedges. The *Antegoa* packet-boat is arrived (114 days out and home), having touched at Nevis and St. Kitts after the French left. *Quotes passages from his correspondence as to the invasions.* (From Barbados, April 8.)
London.

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A spy boat reports 13 or 15 sail of French ships between Barbados and Martinico, standing to Martinico, believed to be the ships which alarmed that Island 2 days before, and judged to come from Tobago as ye squadron 2 months since did, who had layn there expecting them, having been parted by storm wth. the loss of some of them. (*Antigua*, April 17.) By a sloop from Nevis we understand the French left it the 10th inst., the first squadron being 50 sail wth. ye vessels taken at Nevis went (as believed) with ye men of warr to Petit Guavas, being seen to stand to leeward, the other squadron went to windward wth. one man of warr, being about 30 saile more wth. the prizes (supposed) to Martinico. The French report they lost 400 men, mostly destroyed by the negroes, and not above 20 English killed. M. Ducass arrived at Martinico (April) with 12 or 14 men of war and was expected to attack Montserat and Antigua, and after that to unite fleets to Leeward and attack Jamaica with 30 ships of war and 10,000 landmen. (*Jamaica*, May 13.) We have had an embargo and for 8 days past Martial Law on apprehension of a French squadron reported off Barbados. These troubles have spoyled our business with the Spaniards, and little silver has been imported. Our Admiral is returned from St. Martha, with intelligence that the galleons and flota were arrived at Cartagena. *Signed*, E. Dummer. *Addressed*. 2 $\frac{1}{4}$ pp. [*C.O.* 152, 39. *No.* 111.]

June 24. **386.** Mr. Dummer to Mr. Popple. Reports *Antegoa* packet
London. as preceding, and gives account of the French designs and descent. *Signed*, E. Dummer. *Endorsed*, Reed. Read June 26, 1706. 2 pp. *Enclosed*,

386. i. Printed advertisement of West India packet sailings as Oct. 15, 1705, brought up to date. 2 pp. [*C.O.* 323, 6. *Nos.* 11, 11.i.]

June 25. **387.** Sir John Stanley to Mr. Popple. *Encloses following* to be laid before the Council of Trade and Plantations. *Signed*, J. Stanley. *Endorsed*, Reed. Read July 1, 1706. 1 p. *Enclosed*,

387. i. Governor Sir B. Granville to Sir J. Stanley. Barbados, April 7, 1706. We are so busy in preparing to receive ye French, that I am not able to get together ye papers yt. I am directed by Orders of Council to send over in relation to Mr. Chilton and Lilington. They shall come by ye next, wth. a full answer. *Copy.* $\frac{1}{2}$ p. [*C.O.* 28, 9. *Nos.* 47, 47.i.; and 29, 10. pp. 76, 77.]

June 26. **388.** Mr. Popple to Mr. Attorney General. Presses for
Whitehall. opinion on Act of Jamaica [see April 15]. [*C.O.* 138, 11. p. 483.]

June 26. **389.** Order of Queen in Council. Refer *following* to the
St. James's. Council of Trade and Plantations. *Signed*, John Povey. *Endorsed*, Reed. Read July 2, 1706. 1 p. *Enclosed*,

1706.

389. i. Merchants of Bristol to the Queen. By an Act of Jamaica, Aug. 1705, a duty of 2s. 6d. a dozen was laid upon bottled beer and cider, which amounts in effect to prohibition and is a great discouragement to trade and navigation, a lessening of the malt duty, a loss to the severall tradesmen imploy'd therein, and tends to lessening the value of the lands of England by hindering the consumption of barley. *Pray* that the duty on bottled beer *etc.* may be no greater than if it were imported in cask (4s. a tun). *Copy.* 1 p.

389. ii. Reasons for discontinuing the above tax. *Copy.* 1½ pp. [C.O. 137, 7. Nos. 26, 26.i., ii.; and 138, 11. pp. 485-489.]

June 26. 390. Sir H. Ashhurst to W. Popple. Commissioners of Review proposed by Sir H. Ashhurst and W. Wharton [see June 10]. *Signed*, Hen. Ashhurst. *Endorsed*, Recd. June 26, 1706. 2 pp. [C.O. 5, 1263. Nos. 116, 116.i.]

June 26. 391. Council of Trade and Plantations to the Queen. Propose as Commissioners of Review (see June 10), as New York is nearest Whitehall. the land in question, and they no ways interested in this controversy, 11 of the Council, 5 with Lord Cornbury to be a quorum; and that the said Commission be passed gratis here, and that it be signified to the Commissioners that the Mohegans be not put to any expence whatsoever upon this occasion. [C.O. 5, 1291. pp. 411-413.]

June 26. 392. Order of Queen in Council. Approving *preceding*, St. James's. and ordering accordingly. *Signed*, John Povey. *Endorsed*, Recd. Read July 5, 1706. 1 p. Set out, N.Y. Docs. IV. p 1178. [C.O. 5, 1263. No. 119; and 5, 1291. p. 416; and 5, 1049. No. 16; and 5, 1120. pp. 470-472.]

June 26. 393. Order of Queen in Council. Upon Attorney and St. James's. Solicitor Generals' report as to the Bahama Islands, presuming that the House of Peers are the best Judges of their own privileges, H.M. with the advice of her Privy Council doth not think fit to give any further directions therein at present. *Signed*, John Povey. *Endorsed*, Recd. Read July 5, 1706. ¾ p. [C.O. 5, 1263. No. 120; and 5, 1291. p. 417.]

June 26. 394. Order of Queen in Council. Repealing 3 Acts of Barbados, St. James's. as proposed June 7. *Signed*, John Povey. *Endorsed*, Recd. Read July 10, 1706. 2½ pp. [C.O. 28, 9. No. 49; and 29, 10. pp. 81-83; and 319, 1. pp. 68, 69.]

June 26. 395. Order of Queen in Council. Ratifying 9 Acts of St. James's. Barbados as recommended June 7. *Signed and endorsed as preceding.* 2¼ pp. [C.O. 28, 9. No. 48; and 29, 10. pp. 77-80.]

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June 26.
St. James's.

396. Order of Queen in Council. The matter of the Bahama Islands is to be layd before H.M. for the taking care of the said Islands at such time as H.M. other affairs shall permit, according to the Representation of May 24, 1706. *Signed*, John Povey. *Endorsed*, July 5, 1706. 1 p. [C.O. 5, 1263. No. 118; and 5, 1291. p. 415; and 23, 12. No. 69.]

June 28.
Whitehall.

397. Mr. Sec. Hedges to Governor Seymour. Encloses further accounts of the Duke of Marlborough's successes in the Netherlands and the King of Spain's in Catalonia, etc. *Signed*, C. Hedges. *Similar letters* to Governors Dudley, Nott and Lord Cornbury. [C.O. 324, 30. pp. 93, 94.]

June 28.
Whitehall.

398. Same to Governor Parke. *Begins as preceding*. We have received the unwellcome news of what has befallen Nevis and St. Christophers, but have reason to hope you need be under no apprehension of hearing any more from the French this summer. H.M. is very much concerned for the sufferings of her subjects in those parts, and has been graciously pleased to take into her consideration the doing of what may be necessary for their immediate relief and future security, which you may take occasion to lett them know, and in the mean time it is expected that you do exert all your credit to help these miserable people to subsistence, and to support and assist them as much as possible till H.M. supplies arrive there. *Signed*, C. Hedges. *Similar letters* to the Governors of Barbadoes and Jamaica. [C.O. 324, 30. pp. 93-95.]

June 28.
Whitehall.

399. Same to Council of Trade and Plantations. *Encloses extract of letter* [see March 8] relating to the settling of Irish Papists in Maryland. You will please to let me know how the Law stands in that particular, and what you can propose as a remedy to that growing mischief, that I may lay it before H.M. *Signed*, C. Hedges. *Endorsed*, Reed. June 29, Read July 1, 1706. 1 p. *Enclosed*,

399. i. Extract of letter from Governor Seymour, March 8. [C.O. 5, 716. Nos. 15, 15.i.; and (without enclosure) 5, 726. pp. 389, 390.]

[June 28.]

400. List of Laws past by the General Assembly of Pennsylvania, 1705. *Endorsed*, Reed. from Mr. Penn, June 28, 1706. 3½ pp. [C.O. 5, 1263. No. 117.]

June 28.
Whitehall.

401. W. Popple, jr., to Wm. Penn. According to your request, I inclose *following*, which their Lordships desire you will forward by the first conveyance. [C.O. 5, 1291. p. 413.]

June 28.
Whitehall.

402. Council of Trade and Plantations to Lt. Governor Evans. *Acknowledge* letter of Jan. 19. We have sent the Acts *referred to* to Mr. Attorney General, and so soon as we receive his opinion, we shall write to you at large thereupon. We shall expect the Laws you say the Assembly have past. You wou'd

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have done wel, in the mean time, to have sent us a list thereof. However, Mr. Penn having communicated to us such a list, we cannot omit this opportunity of expressing our satisfaction of your conduct in prevailing with the Assembly to pass the Act for the support of the Government, which was so necessary. We desire you will upon this and all occasions give suitable encouragement to those who have and shal appear most ready in H.M. service, and in raising the necessary supplies for the support of the Government, and who shal contribute most to the quiet and safety of the Province. [C.O. 5, 1291. pp. 414, 415.]

June 30.
Windsor.

403. Mr. Secretary Hedges to Governor Sir B. Granville. I have just received an account from My Lord Ambassador Methuen, that the Portuguese army was marching to Madrid, *etc.* We expect his next will bring the news that King Charles III is proclaimed there. *Signed*, C. Hedges. [C.O. 324, 30. pp. 95, 96.]

June 30.
Windsor.

404. Same to Governor Handasyd. *Sends above news at greater length* by flying packet to overtake the maile, not doubting but you will make the best use of it to encourage the Spaniards in the West Indies to take the same part, and not to trust their estates or the Galeons in the hands of the French. [C.O. 324, 30. pp. 96, 97.]

July 1.
Barbados.

405. Governor Sir B. Granville to the Council of Trade and Plantations. *Acknowledges* letter of April 26. All things being quiet here, and no news of any motion of the French, I have nothing to lay before your Lordships at this time but the overtures have bin made to me by the Charibbes on St. Vincents to submitt themselves to the Queen and shake off their dependance on the French. I have given encouragement to it, and hope it may prove of advantage: it is a matter but now began, as I see farther into it I shall be enabled to speak more particularly of it to your Lordships. *Encloses* Act to *Supply the want of cash and to establish a method of credit etc.* *Signed*, Beville Granville. *Endorsed*, Reed. 14th, Read 17th Sept., 1706. *Holograph*. 2 pp. [C.O. 28, 9. No. 51; and 29, 10. pp. 90, 91.]

July 1.
Barbados.

406. Same to Mr. Sec. Hedges. *Acknowledges* letters of May 9, 16, and April 20. I will endeavour to spread the account of the glorious successes of H.M. armes so as it may reach the Spaniards, tho' that is not so certain from hence as from Jamaica, there being no direct communication with them from this Island. *Repeats part of preceding.* I have hearken'd to the Charibbes [*above*], and intend to try them on this occasion, they going frequently amongst the Spaniards. It appears to me probable that from it a way may be settled both of dispersing news amongst the Spaniards, and establishing a trade and correspondence with them *etc.* Tho' my accounts of the French designs in these parts ran higher then what they have since attempted, they were confirm'd to me from so many parts that I was obliged

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to lay them before you *etc.* In generall all still agree that the losse sustain'd [on *St. Kitts and Nevis*] was through the great misbehaviour of the inhabitants *etc.* Signed, Bevill Granville. *Holograph.* 4 pp. [C.O. 28, 38. No. 49.]

July 2. **407.** Council of Trade and Plantations to Mr. Sec. Hedges.
Whitehall. Enclose following to be laid before H.M. *Autograph signatures.*
1 p. *Endorsed*, R. 2. *Enclosed*,

407. i. Extract of letter from Gov. Seymour (March 8) relating to convoys and the want of a small man of war *etc.* 1½ pp. [C.O. 5, 721. Nos. 6, 6.i.; and 5, 726. pp. 390, 391.]

July 2. **408.** W. Popple, jr., to Anthony Burnaby, Sec. to the
Whitehall. Commissioners of Prizes. Encloses extract of letter from Gov. Seymour, March 8, and proceedings relating to prizes mentioned therein. [C.O. 5, 726. pp. 391, 392.]

July 2. **409.** Council of Trade and Plantations to the Board of
Whitehall. Ordnance. Enclose extract of Gov. Seymour's letter, March 8, relating to stores of war. [C.O. 5, 726. p. 392.]

July 2. **410.** W. Popple, jr., to Sir Simon Harcourt, Solicitor General.
Whitehall. Encloses extract of letter from Gov. Seymour, March 8, relating to Irish Papists. The Council of Trade and Plantations desire you would consider the Act therein referr'd to, and to let them have your opinion what may be done, either by the said Act, or any Law of England, to prevent the growth of Popery in that Province. [C.O. 5, 726. p. 393.]

July 2. **411.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. Enclose letters from Governors relating to the spoils committed by the French in the Leeward Islands, *etc.* *Autograph signatures.* *Endorsed*, R. July 2. 1 p. [C.O. 318, 3. No. 30; and 138, 11. p. 484.]

[July 2.] **412.** Extracts from letters of Governor Handasyd, Jan. 14, Feb. 16 (*see preceding*). 2½ pp. [C.O. 137, 45. Nos. 73, 73.i.]

July 2³. **413.** Commandant Beekman to the Directors of the Dutch
West India Company. *Dutch.* 2½ pp. [C.O. 116, 20. No. 5.]

[July 4.] **414.** Richard Butler and others to the Council of Trade and Plantations. Answers to objections that may be made to their proposal of June 10. *Endorsed*, Recd. Read July 4, 1706. 2½ large pp. [C.O. 323, 6. No. 12.]

July 4. **415.** Bishop of London to the Council of Trade and Plantations. I thought it my duty to impart ye inclosed as a new instance of Mr. Pence insolence, at least as I conceive it: for it seems to controle H.M. former directions and to tell us no man shall take an oath where he governs. I presume ye next fit of conscience will be not to allow ye sight or conversation of any

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man upon their holy ground, that can take an oath or has already defiled himself with it. I beg you would let it be layed by.
Signed, H. London. *Endorsed*, Recd. 5th, Read 8th July, 1706.
Addressed. $\frac{1}{2}$ p. *Enclosed*,

415. i. Minister and Vestry of St. Paul's Church, Chester, Pa., to the Bishop of London. Chester, March 25, 1706. The Quakers have made enclosed Law, and raised money on us as well as themselves towards making interest to get it improved. There are persons in all Counties that will administer an oath, if authorized, and therefore no danger of that failure of justice as is insinuated in that Law; the true reason of it is, that when they can administer an affirmation to persons of ye Church of England and qualify them for evidences after that manner, then they'l have no occasion of an oath to be administred in any case, and so ingross the whole Government to themselves. Several of them begin now to scruple sitting on the bench, when an oath is administred, and have put a clause in the Act that it shall be the act of that magistrate who administers it, and not the act of the Court, but we would observe that some of the most reputable among them have sett on the bench, and continues so to do, when an oath is administred, even those who takes upon them to write and put out books in behalf of the rest, so that we fear it is not so much conscience as design in them to have the Government in their own hands and frustrate us of the security which H.M. by her Order was pleased to afford us *etc.*
Signed, Hen. Nicols, Minister, Jas. Yeates, Jer. Collett, Tho. Powell, Henry Hollingsworth, Henry Peirce, Edward Jenings, John Wade, Jos. Worrall, Jos. Baker, Edw. Danger, Samuel Byssshop, James Sandelandes, William Davies. 2 pp.

415. ii. Copy of Act of Pennsylvania, *directing the qualifications of officers etc.* [*See June 17.*] 3 pp. [*C.O.* 5, 1263. *Nos.* 121, 121.i., ii.]

July 4. **416.** Council of Trade and Plantations. Propose Capt. Whitehall. Brooks, Capt. Jenour and Col. Trimingham to be of the Council of Bermuda. [*See March 11.*] [*C.O.* 38, 6. pp. 199, 200.]

July 4. **417.** Mr. Sec. Hedges to Governor Parke. I send this in Whitehall. hopes it may overtake the West India Pacquet Boat before she goes off, to acquaint you with the good news we received yesterday by an express from Sir Stafford Fairborne who commands the squadron of H.M. ships before Ostende of the surrender of that place. The officers that came from thence say there was advice of King Charles III arrivall at Madrid, that place having declared for him, so that we have no reason to doubt but in a very short time all Spain will have followed that example, and we hope the Spaniards in the West Indies will not be backward to do the same, and to

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show their loyalty to their naturall Sovereign and throw off the yoke of a Foreign Tyranny. Five French ships laden with provisions and bound to Martinico, having lately been luckily taken by two of H.M. ships and brought into Ireland, H.M., out of her great concern for her poor distressed subjects at Nevis and St. Christophers, has been graciously pleased to order the said ships and provisions with such an addition out of her own stores as will fully lade those ships to be immediately sent thither for their present relief, and is taking measures for their further support and assistance with all expedition. You are to give a receipt of all the provisions and stores that are delivered to you out of the said ships, and to take the best care you can to distribute and dispose thereof to those most in necessity, and in proportion to their occasions in the doing of which you are to take the advice and assistance of the Councill. You are also to take vouchers from the persons that receive them, whereby to discharge yourself, and to send me an exact and particular account of what you shall do therein. *Signed, C. Hedges.*

The first paragraph of the foregoing letter signed by Mr. Secretary and sent to the following Governors, viz., Lord Cornbury, Col. Dudley, Col. Nott, Col. Seymour, Sir B. Granville, Col. Handasyde. [*C.O.* 324, 30. *pp.* 97, 98.]

July 4.
Whitehall.

418. Council of Trade and Plantations to the Queen. In obedience to your Majesty's Order June 26, we have considered the Act of Jamaica *for raising an additional duty and import, etc.* and find that by reason the revenue of that Island was from several extraordinary occasions reduced very low, the Assembly agreed to the passing of this Act, which is to continue for one year, and will therefore expire Aug. 15, 1706. But whereas the duty on bottled beer, *etc.* is 2s. 6d. per doz., which amounts to 10l. per tun, tho' at the same time beer in cask pays but 4s. per tun, which disproportion we think very unreasonable, and therefore offer that the petition of the merchants, with their reasons for lowering the said duties, be sent to Governor Handasyd, with directions that he acquaint the Assembly in case of their passing a like Act, with the unreasonableness of the said duty, and that the duty of 6d. per doz. may suffice on this occasion, which is ten times more than the duty on beer in cask. [*C.O.* 138, 11. *pp.* 489-491; and 138, 12. *pp.* 7-9.]

July 5.
Crutched
Fryers.

419. Mr. Merrett to Mr. Sec. Hedges. *Encloses following,* "that your Honour may see how unkind and base those people have been who may justly be censured to have stifled the letters Major Lloyd sent to your Honour and others, as their papers of accusation against Lloyd which came in the said shipp have been by them preserved. I therefore pray your Honour not to think amisse of Mr. Lloyd till you shall have an impartial acct. from thence. And as the inhabitants have presumed to addresse H.M., altho' it's a homely one, from poore fishermen, yet I pray your Honour to lett H.M. be informed of the zeale of her poore fishing subjects in Newfoundland, which will be a

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great incurridgement to them, who have sustained such great losses there this warr. And as (Blessed be God) there is so great appearance of an open trade with Spaine by the glorious successe of H.M. armes, I further presume to offer that when a Treaty of Commerce shall be settled with King Charles III, notice may be taken of the great losses of us who have been concerned in this ffishery, that if possible wee may have a trade with ffish, or at least that a certaine number of shipps may proceed yearly from Newfoundland to the West Indies, the Dominions of Spaine, of which I have more to offerr. *Signed*, Solomon Merrett. *Endorsed*, R. Jul. 6, '06. *Addressed*. 1 p. *Enclosed*,

419. i. Major Lloyd to Mr. Merrett. St. Johns. The Inhabitants having desired me to send the enclosed to England, I pray your care of the same. I have had severall of the spyes I sent to Placentia returned, they have palasado'd the lower Fort double, and the upper Fort single this fall, and are still very busye at worke. I have nothing now to add, hoping my last will reach your hands, not questioning but you will understand the meaning of it. The villanies of Mr. Moody, the Parson, and the late souldrs. doth all now come out. Next spring I shall be able to give you a better account of all the affaires of Newfoundland than ever. I now dispaire of what you know, but had I knowne I should have been served so, I am sure I would never have desired to returne to this country, and if ever it is done on such easye termes as I proposed againe, I am mistaken, but I could have effected it this winter as things are. The inhabitants and I are all one, and as ready to do anything for the service that I aske as I can be to aske them. *Signed*, Tho. Lloyd. *Copy*. $\frac{3}{4}$ p. [C.O. 194, 22. Nos. 67, 67.i.]

July 8.
Antigua.

420. Lt. Governor Johnson to Mr. Sec. Hedges. *Acknowledges* letters of April and May. The extraordinary good newes they bring was extreemly wellcome and little less than necessary to support the drooping spirites of H.M. subjects here; and to mortify the insolence of our neighbours, whose success this summer has almost made them believe their King is master of the world and the other Princes of Europe despairing to preserve their Dominions or their freedome. Col. Parke, who is expected here every moment, will, noe doubt, dispense these accounts so that they may reach the Spaniards *etc*. Where the French are now, or what they have beene doing these three months since they went to Leeward, wee are yet to learne; but Capt. Kerr comes much too late to prevent any mischief; and had he come sooner, these poore Islands wou'd not have beene in a condition to have spar'd any men *etc*. *Signed*, Jon. Johnson. 1 p. [C.O. 152, 42. No. 3.]

July 8.
Whitehall.

421. Council of Trade and Plantations to Governor Lord Cornbury. Give instructions as to the Commission of Review

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for the complaints of the Mohegan Indians *as* June 26. Enclose copy of Col. Dudley's proceedings upon the first Commission *etc.* Set out, *N.Y. Docs. IV. p. 1179.* [*C.O. 5, 1120. pp. 468, 469.*]

July 9.

422. Attorney General to the Council of Trade and Plantations. I have considered the *following* Act of Pennsylvania [*see June 19*], and in regard, as is stated, ye greatest part of ye inhabitants are Quakers, the Proprietor also being a Quaker, and Quakers by the Laws there may have judicial places, I do not see but this Law, which is made with the spirit of ye Quakers, may be allow'd them: as to ye affirmations in lieu of oaths and the method of administring them, the Law in England allowing affirmation by Quakers instead of oaths doth not extend to the Plantations, they not being named in ye Act, and therefore a Law may properly be made in Pennsylvania to allow such affirmation. By ye English Act, ye Affirmation is not to be allowed in criminall cases, but is allowed by thi[s] in Pennsylvania, for wch. there may be some reason, because ye greatest part of the inhabitants are Quakers, and provision is made for punishing falsitys on affirmations as would be on oaths, and persons that are willing to take oaths, may take them, if there be any Magistrate present who doth not scruple to administer an oath, wch. may be easily stipulated for with the Proprietor that such shall always be provided. By this Law a deposition in writing taken in any matter or cause of a person sick or going out of yt. Province is allow'd to be evidence, wch. I think is too hard in criminal cases. I have no other objections against this Act. *Signed, Edw. Northey. Endorsed, Reed. Read July 10, 1706. 2 pp. Enclosed,*

422. i. Copy of Act of Pennsylvania *directing the qualifications of officers etc.* 10½ pp. [*C.O. 5, 1263. Nos. 122, 122.i.; and (without enclosure) 5, 1291. pp. 418, 419.*]

July 9.

423. Attorney General to the Council of Trade and Plantations. I do not find any Law that prohibits the exportation of wool-cards [*see April 3*], but on the contrary there is in the book of rates a Custom mentioned to be paid for wool exported *etc.* *Signed, Edw. Northey. Endorsed, Reed. Read July 11, 1706. Written on back of copy of Mr. Bridger's letter, March 25. 1¼ pp. [C.O. 5, 864. Nos. 67, 67.i.; and 5, 912. p. 178.]*

July 9.
Bermuda.

424. Lt. Governor Bennett to Mr. Popple. A vessell touching here from Nevis gives me this opportunity of enclosing cōps of *June 25 etc.* I conclude it needless to trouble you with a relation of the unhappy condition of Nevis, because one Col. Danl. Smith is already gone home in the packet boat from thence with all particulars, and in this vessell goes one Mr. Penny of H.M. Councill there and Treasurer of the Island. The last letter I reed. from their Lordps. was dated Oct. 29; I doe all I can to keep the people in quiet, by telling them I daily expect orders, but there's a general dissatisfaction (as in my former Letters),

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noe Courts in Law or Equity having been held above these 15 months. I have endeavoured what I can to persuade the Council and Judges to sitt and doe businesse, but all to no purpose, they still entreating to be excused, till the success of the Council's sentiments and Judges' Remonstrance be known *etc.* [see April 4, 1705]. Should I [*have*] suspended the Councill, and turn'd out the Judges, we should then have been almost without the show of governmt., for I could not have found persons anyway qualifiyd to supplie[d] their places, people are soe generally averst to him [*Jones*], and would not act if he was Clark: I have also continuall complaints of the liberty he gives his prisoners, and sending any one of the male-contents to jayl is become a jest, and is said to be goeing home, for Capt. Nelson, who is in on an Execution and on a Bill of Indictmt., which has been found agt. him by the Grand Jury, for vilifying me and the Council, has the door continually open from morning to night, and trades and keeps a shop there, and people goes as naturally to buy goods as to other places; and Dr. Starr, who was committed att the Quarter Sessions and bound over to answer his contempts and affronts to Govermt. att the next Assizes, has the priviledge to lodge att home, and walk where he pleases, not thinking it worth his while to shun me, for I see him sometimes more than twice in a day. I could mention many other unreasonable liberties Capt. Jones allows to people who are known enemys and disturbers of the governmt., of all which I have repeatedly told him, but to noe purpose, and the last time I spoak to him abt. it, I told him I would complain. I hear he has exhibited Articles agt. me, but I depend on their Lordps.' accustomed justice, in giving me the opportunity of answering them before credited, *etc.* Signed, B. Bennett. P.S.—As I was making up my letters, a sloop arrived from Barbados, the Mr. of which reports that he came out with the Fleet on June 24, part whereof consisting of abt. 40 sail of mercht. men under convoy of two men of war were bound for England. Endorsed, Recd. 5th, Read 6th Aug., 1706. *Holograph.* 3½ pp. *Enclosed,*

424. i. Account of the Stores of War in the Magazines in Bermuda when Col. Bennett arrived there. *Duplicate of C.S.P.* 1701. No. 456. ii. Signed, B. Bennett. Endorsed, Recd. Aug. 5, 1706. 1 p.

424. ii. Account of same July 9, 1706. *Same signature and endorsement.* 1 p.

424. iii. Proceedings of a Court of Admiralty, Bermuda, Jan. 11, 12, 14, 170⁵/₆. Condemnation and appraisement of the French ship, *Alexander*, taken by the Bermuda privateer, *Dolphin*, Capt. John Evans, Dec. 29, 1705. Signed and endorsed as preceding. 9 pp.—[C.O. 37, 7. Nos. 30, 30.i-iii.; and (without enclosures) 38, 6. pp. 200–203.]

July 9.
Barbados.

425. Governor Parke to the Council of Trade and Plantations. My last was from the Madera; our Fleet arrived there Aug. 4, Captain Kerr the Comr. having brought us so farr out

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of our way much against my will. I mett here wth. the ill news, that Nevis and St. Christophers had been both taken and plundered by the French. I suppose long since you have had the acct. of it from Col. Johnson, who, I hear, was not at Nevis nor any other of the officers of the regiment, except one. The Comr. has promised wee shall sayl to-morrow, and as soon as I come uppon the place, shall send you as perticular an account of this misfortune as I can possibly gett, and there shall be nothing wanting in me to resettle the Islands; I have desired some gunns and powder and shott of Sir B. Grandvill; I have no promise of any as yett; your Lorpps. well knows how many Memorialls I have deliver'd to gett troops and stores, but had not the good fortune to gett eighther nor so much as an opertunity of getting to my Government till by this Fleet. I had your letter here by this boat, wth. the glorious news; I thank your Lorpps. for putting me in mind of my duty, to causa a day of Thanks-giving, but had I received no such orders, my own inclinations would have made me do a duty so very agreeable to me. *Signed, Daniell Parke. Endorsed, Recd. 14th, Read 17th Sept., 1706. 2 pp. [C.O. 152, 6. No. 60; and 153, 9. pp. 390, 391.]*

July 9.
Jamaica.

426. Attorney General to the Council of Trade and Plantations. I have considered of an Act of Jamaica, *to provide an additional subsistance for H.M. officers and souldiers, etc.* The parts of it which relate to quartering and subsisting H.M. forces are temporary, and are to expire on Nov. 2 next, but other parts, which I apprehend intrench on H.M. Royal Prerogative, are perpetual. As to ye provisions for subsisting the soldiers by deficiencyes, I am not able to judge whether it be a sufficient provision or not, and being onely temporary, if the same be found by ye Officers of H.M. forces to be insufficient, it may be rectified when another Bill shall pass; however, the clause in ye Act that no person shall have any share of ye money to be raised by that Act, that marryes any inhabitant of that Island, is unkind. And as to the other part[s] of ye Act which are perpetual, vizt. the clause yt. disables any officer or soldier (the Governour excepted) to use, exercise or enjoy any civil Commission, power, place or authority, or in the Militia in that Island, and the clause yt. lays a penalty on all persons not being native-born subjects of England, Ireland or the Plantations in America, that shall use, exercise or enjoy any Commission, civil or military (except in H.M. forces in yt. Island under her pay) I am of opinion they are both against H.M. prerogative, and ye latter carries the disability further than what is done by the Act of 7^o Wm., which is restrained to the Court of Law and ye Treasury, and that matter is not concerned in ye title of ye Act, and therefore, that this Act is not fit to be confirmed. *Signed, Edw. Northey. Endorsed, Recd. Read July 11, 1706. 2 pp. [C.O. 137, 7. No. 27; and 138, 12. pp. 1-3.]*

July 10.
Barbados.

427. Governor Sir B. Granville to the Council of Trade and Plantations. *Acknowledges* letters of May 30, 31. Commadore

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Kerr with his squadron and trade arrived here the 4th inst., and General Park. Commadore Kerr sails to-morrow for Nevis, having bin here under an ill state of health. The French have some time since gone to Leeward, it is reported that they have desighns on Jamaica and Curassao. The alarum of the French has given me room to improve the dead defence of this Island, that is getting the fortifications into a better condition then ever they were, much is wanting yet to perfect them, and at last they must be weak, unlesse there be men to support them, the Island is thin of people in proportion of what it has bin formerly. A scheme is preparing of the works began, and what intended, wch. shall very suddenly be laid before your Lordships. The fleet for England under convoy of the *Weymouth* sail'd hence June 23, and the last packet boat the 1st. *Signed*, Bevill Granville. *Endorsed*, Recd. 14th, Read 17th Sept., 1706. *Holograph*. 3 pp. [C.O. 28, 9. No. 52; and 29, 10. pp. 92, 93.]

July 10. Barbados. **428.** Same to [? Mr. Sec. Hedges]. *Acknowledges* letters of April 20, May 30, and repeats part of preceding. *Signed*, Bevill Granville. *Endorsed*, R. 16 [? Sept.] *Holograph*. 3 pp. [C.O. 28, 38. No. 50.]

July 12. Whitehall. **429.** Mr. Sec. Hedges to the Council of Trade and Plantations. *Encloses extract about the Indians from Gov. Dudley's letter, April 23.* I desire your opinion of the service he mentions. The expression of the Indians being fled over to the French seems to imply that they have been driven to it, for he takes no notice whether they had taken part with them or not. *Signed*, C. Hedges. *Endorsed*, Recd. Read July 15, 1706. 1 p. *Enclosed*,

429. i. Extract from Gov. Dudley's letter, April 23. $\frac{1}{2}$ p. [C.O. 5, 864. Nos. 70, 71; and 5, 912. pp. 183, 184.]

July 12. Council-Chamber, Whitehall. **430.** Order of Committee of Council for hearing Appeals. In the Commission of Review of the Mohegan case, a clause is to be inserted that no Commissioners are to act who have any interest in ye lands in difference. *Signed*, John Povey. *Endorsed*, Recd. Read Feb. 12, 1707. $\frac{3}{4}$ p. [C.O. 5, 1263. No. 133; and 5, 1291. p. 443.]

July 15. Antegua. **431.** Governor Parke to the Council of Trade and Plantations. I did mysele the honour to write to yr. Lordships at Barbados per this packett, but being permitted to sayl heither in the *Sheerness* before the Fleet, I arrived here yesterday morning, and have just time to acquaint yr. Lordships that as soon as my Commission was read, and I had taken the oaths and sworn the Council, I order'd in Council a Proclamation for a Publick Thanksgiving etc., being very glad to have an opertunity of makeing the Island to rejoyce to be the first act of my Government. I am not able to give any account of the Island, being but just come on shore, etc. I think to goe to Neviss and so to St. Kitts. I

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design to take wth. me some of the Council, and then to inform myselfe on the place of the present cyreomstances of those Islands, and how they came to be so cowardly lost. I must intreat yr. Lordships to lay before the Queen and Council the distressed condition of all these Islands at present, in order to gett a supply of men, gunns and other stores. I can't send a better s[*ch*]edule of what is wanted than that I gave in to yr. Lordships, except I add to every article; Col. Johnson being Lt.-Gov. of Nevis, and being C. in C. in my absence, he took care to have the most and best gunns and stores there (if I am rightly informed), wch. are now all destroyed, so that one frigot must be kept there to protect the Harbour from the Privateers, but what we shall do if Capt. Kerr takes with him the *Sheerness* I know not. *Refers to enclosures.* I have sent her to Neviss, whither Capt. Kerr is goeing; Capt. Bloyce, Comr. of the *Sheerness*, is a very good officer, he is very deligent and desirous to do us all the good he can, and such a man wee want at this time. I am perswaded that if the Queen would spare us 5,000 men, wee might take Martineco and put an end to these insults, by wch. means wee should ingross the sugar trade for course sugar; wch. would be of great advantage to the English Nation; and this might be don wth. little charge, for after the campaigns in Europe are over a squadron of ships might embark 5 or 6,000 men with 2 morters (battering gunns wee could have from the shippes) and I could joyn from these Islands near 1,000 good men, and both ships and troops might be wth. you in Ap[ri]l., time enough to take the field: the troopes nor ships will not be much the worse for being 2 or 3 months in a fine weather country; if yr. Lordships thinks well of it to make such a proposall perhapps, now the Queen has humbled the French in Europe, she might also thinke of doeing of it here. *Signed, Daniel Parke. Endorsed, Reed. 14th, Read 17th Sept., 1706. 4 pp. Enclosed,*

431. i. Governor Parke to Capt. Kerr. Antigua, July 15, 1706. *Encloses following.* Since the Council mett, I have an acct. that there are several privateers about Nevis, which have taken two vessels belonging to this Island. I have ordered Capt. Bloys to Nevis. I doubt not but you will agree both with the Council and myself that it is undoubtedly for the Queen's service for the *Sheerness* to attend the service of these Islands *etc.* *Signed, D. Parke. Endorsed, Reed. Sept. 14, 1706. Copy. 1½ pp.*

431. ii. Minutes of Council of Antigua, St. Johnston, Sunday, July 14, 1706. H.E. communicated H.R.H. orders to Capt. Bloyes, H.M.S. *Sheerness*, to attend the Leeward Islands with the *Sheerness* and *Swan* and to follow such orders as he should receive from the Governor *etc.*, also an Order from Capt. Kerr, H.M.S. *Bredah*, Commr. of the Jamaica Convoy, dated Barbados, Carlile Bay, July 9, to Capt. Bloyes desiring him to join his squadron at Nevis, in order to goe to Jamaica and returne again when the expedition is

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over. The Council advised that the *Sheerness* should continue in these Islands, which are continually alarm'd and insulted, and protect trade, which is wholly discouraged and almost irretrievably ruined by the enemy's numerous privateers, and therefore 'tis plain that Commadore Kerr without some reasonable prospect of greater service ought not, in pursuance even of his last Instructions from H.R.H., to leave these Islands destitute of such a guard for so long a time. It is now upwards of 3 moneths since the French fleet sayled from Nevis, 'tis uncertain whether they have made any attempt upon Jamaica or not, but if they have, that expedition must have been over more than 6 weeks, since 'tis plain by their conduct at Nevis and St. Kitts, as well as by their confession, M. Iberville's business was to burne and plunder, not to make conquests or settlements. Wee are very well advised from Martinico, the enemy was under apprehensions a very considerable English Fleet under a Rear Admirall, which was the chief reason of their quitting Nevis soe hastily, and will continue a powerful motive to use the greater dispatches in any future attempts they have been engaged in. Soe that we believe 'twill not be possible for Commadore Kerr to reach the enemy anywhere in America, and if it were, 'twould not perhaps be prudent to aim at it, since if our acct. of ye enemy's strength be true, he will by noe meanes be a match for them, even after a conjunction with Admirall Whetson. *Signed by the Council. Copy. 1½ pp. [C.O. 152, 6. Nos. 61, 61.i., ii.; and 152, 42. Nos. 4, 4.i., ii.; and (without enclosures) 153, 9. pp. 392-396.]*

July 15.
Antegua.

432. Governor Parke to Mr. Sec. Hedges. *Repeats parts of preceding*, and demands for men, guns, and stores. After troubling of you a whole year, I was not able to obtain any one thing save vanity enough to thinke that had I been sent as I so often desired with but one Regiment and some gunns and stores, these Islands had not been thus plundered *etc.* The French privateers swarm about these Islands, and of the two small frigotts that are now come to protect us, the best, the *Sheerness*, Capt. Kerr designs to take with him, if he does, wee must all starve, for these Islands are supplied from Ireland and the Continent, and if wee have no vessell to protect their vessells, they will not come to us. The *Swan* that remains is a small 6th rate, and a heavy saylor of no use here, *etc.* *Signed, Daniel Parke. P.S.*—Just as I had finished this, I have an acct. brought me yt. a poor Irishman from Belfast being attack't in sight of this Island, by an open sloop with 50 men, not onely gott clear, but has killed and wounded near 40 of them, and has brought her in. The poor man had but 9 men and 6 boyes; they betook themselves to their close quarters, and so saved themselves. This very man has been taken this warr three times.

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These prisoners will give me an opportunity to send a flag of truce to Martineco and send them the good news you sent me, please God they shall have it this week, to help to digest the plunder they have got from us, etc. If you make a peace, pray remember yt. we keep St. Kitts. *Endorsed*, R. Sept. 16. *Holograph*. 4 pp. *Enclosed*,

432. i.-ii. Duplicates of Nos. 431.i., ii. [C.O. 152, 42. Nos. 6, 6.i., ii.]

July 15.
Whitehall.

433. Council of Trade and Plantations to the Queen. Recommend for repeal the Act of Jamaica to provide an additional subsistence for H.M. soldiers etc. Quote objectionable clauses [see July 9] "which intrench upon your Royal prerogative, your Majesty having a right to the services of your subjects in what capacity your Majesty thinks best, and which we look upon as a burthen and discouragement imposed upon the soldiery, which happens the more unseasonable at this time when they are upon harder duty by reason of the danger wherewith that Island is threatened from the enemy" etc. [C.O. 138, 12. pp. 3-6.]

July 15.
Whitehall.

434. Council of Trade and Plantations to Mr. Sec. Hedges. We have compared Col. Dudley's expression [see July 12] with other letters from him, whereby it is plain that the Indians referred to were the Eastern Indians allied to the French etc. And upon this occasion we think it proper to signify that Col. Dudley has comported himself with good conduct and prudence in the management of this affair, and that his service deserves to be recommended to H.M. *Autograph signatures*. 2 pp. [C.O. 5, 751. No. 75; and 5, 912. pp. 184, 185.]

July 15.
Windsor.

435. Order of Queen in Council. Appointing Capts. Brooks, Jenour, and Trimmingham to the Council of Bermuda [see July 4]. *Signed*, John Povey. *Endorsed*, Reed. Read Aug. 6, 1706. 1 p. [C.O. 37, 7. No. 34; and 38, 6. p. 219.]

July 15.
Windsor.

436. Order of Queen in Council. Directions to be sent to the Governor of Jamaica as proposed July 4. *Endorsed*, Reed. Read July 18, 1706. 3 pp. [C.O. 137, 7. No. 28; and 138, 12. pp. 7-10.]

July 17.
Whitehall.

437. Council of Trade and Plantations to the Lord High Treasurer. Enclose accounts of the Board [see June 24]. [C.O. 389, 36. pp. 317, 318.]

July 17.
Whitehall.

438. Council of Trade and Plantations to Governor Lord Cornbury. Finding that Lt. Congrave is not yet gone, we take this opportunity to acquaint your Lordship that the Office of Ordnance, upon occasion of the stores demanded by your Lordship for New York, have reported to H.M. that "they have not any account of the remain of the stores there, so that it is impossible for them to make a true judgement of what is necessary to be sent." Your Lordship will therefore find the occasion of H.M.

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not sending of stores has been the want of the necessary accounts, which you should send us and the Board of Ordnance by all conveyances, and particularly an account of remains of stores of all sorts, and an account of the expences and necessity of such expences of the stores of ordnance, without which no supply is to be expected from hence. But we must withall exhort your Lordship again to lay these wants before the Assembly, that they may make such provision of money as shall be requisite to purchase a supply of stores of all sorts for their own defence, which you are likewise to do to the Assembly of New Jersey, for their particular security. [C.O. 5, 1120. pp. 472-474.]

July 18. **439.** Council of Trade and Plantations to Mr. Sloper.
Whitehall. Enclose letter for Lord Cornbury. [C.O. 5, 1120. p. 475.]

July 19. **440.** Council of Trade and Plantations to the Queen.
Whitehall. Recommend 13 Acts of New Hampshire for ratification, and, for reasons given by the Attorney General June 11 (*q.v.*), the following for repeal: (1, 2) Act and Additional Act for settling intestates' estates; (3, 4) Act and Additional Act concerning marriages; (5) Additional Act concerning Constables; (6) Act for maintenance of the Ministry; (7) acknowledging deeds; (8) restraining inhuman severities; (9) punishing criminals; (10) recording deeds; (11) taking affidavits out of Court; (12) regulating civil causes; (13) establishing Courts of Justice. [C.O. 5, 912. pp. 186-193.]

July 19. **441.** Council of Trade and Plantations to Governor Handasyd.
Whitehall. We transmit H.M. Order in Council July 15, to be laid before the Assembly on the first occasion. [C.O. 138, 12. pp. 10, 11.]

July 18. **442.** Commandant Beeckman to the Directors of the Dutch
Essequibo. West India Company. *See Appendix to Report of the Venezuelan Boundary Commission. Signed, Samuel Beeckman. Endorsed, Read Nov. 15 (N.S.) 1706. Dutch. 10 pp. Enclosed,*
442. i. List of goods exported Aug. 5 (N.S.) 1706. *Dutch. 2 pp.*
442. ii. List of goods required. June 24 (N.S.), 1706. *Dutch. 8½ pp.*
442. iii. Muster roll of the Company's servants. July 30 (N.S.) 1706. *Dutch. 2½ pp.*
442. iv. List of (6) persons returning home. July 10 (N.S.) 1706. *1 p.*
442. v. Measurements of sugar coppers. $\frac{3}{4}$ p. [C.O. 116, 20. Nos. 6, 6. i.-v.]

July 22. **443.** Governor Dudley to [? Mr. Popple]. Since mine of
"Boston. Oct. 20, Feb. 1, and Apr. 23 I have no letter from their Lordships, nor have I had any direct conveyance, but the mast shippes being now arrived, I shall give full accts. of all things by them, who I hope will be ready to sail in Sept., this is by Barbadoes to meet the Packet boat. All the coasts on the Mayn have been lately alarm'd by the ill news from Nevis, and in some expectation

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of the French force looking this way, which now most probably is diverted, the principall of that fleet being gone down into New Spayn, however I am in a good readiness for them, the work at Boston, Piscataqua and other parts being in very good repair, and the people very ready for the service. I have lately had a descent of three parties of Indians, about an 100^d. in a Troop from the French side, which has forced me to double my guards on the frontiers. Luckily 100 of them came to surprise Dunstable, a poor village, and found unexpectedly a Troop of Horse in a poor Garrison house, who saved the whole village and sent them home with a loss, which costs them a whole summer's march out and home, the other two troops are yet lurking about mee, but dare not make their assault as yet. I pray you to assure their Lordships there is nothing left undone to secure the frontiers of this long open countrey, nor the masting and affairs of that sort, and tho it is to the great expence of the province to about 30,000*l*. per annum, yet nobody complains either of the service or expence of their money, which makes me very easy with the Generall Assembly and the people in generall. And if it may be acceptable to their Lordships and so represented to H.M., I have what I wish and am well rewarded. *Signed*, J. Dudley. *Endorsed*, Recd. Nov. 28, 1706, Read Feb. 28, 170*7*. 2 pp. [*C.O.* 5, 864. No. 113; and 5, 912. pp. 265-267.]

July 27. **444.** Attorney General to Sir C. Hedges. Having received your commands on the inclosed extract of Coll. Seymour's letter, I cannot give any certain opinion on it without perusing the Lord Baltimore's Charter therein mentioned, which I have not, *etc*. As to what the Coll. states to be the opinion of the Provincial Court of Maryland, that the severall Statutes of England (unlesse they expressly mention the Plantations) are not in force there, is in part true. For the Plantations being governed by their own Laws, an Act made in England (unlesse [the Plantations] or words including them, as [other her Majesties Dominions] be in such Act) doth not extend to the Plantations. However, though this be generally true, yet for the Lawes of England, weh. were in being at the planting that Colony by the subjects of the Crown of England, if the same were received by the Inhabitants, and putt in practice there, they (by virtue of the Generall Consent appearing by their being put in use there) became the Laws of that Country, till they shall be altered by some Act of the Assembly there. And for the Criminall Laws of England, which have been so used there, I am of opinion they may and ought to be put in use there still, till other Laws shall be made there to be used in the place of them. *Signed*, Edw. Northey. *Endorsed*, R. July 28. 2 pp. [*C.O.* 5, 721. No. 7.]

July 28. **445.** John Smith to [? Mr. Dummer. See Aug. 1st]. Reports the condition of the Leeward Islands. The chief thing wanting at Barbados is provision. Antigua and Montserat were prepared to receive an enemy, tho' in all probability able to make but a

On board
the
Jamaica
packett.

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feeble defence by reason of the small number of people. Nevis, which formerly seem'd to be the Garden of the Caribbees, is now a deplorable spectacle of ruin, her forts demollish'd, plantations burnt, as well canes as houses, their negroes, some taken, the rest fled to the mountains, which of late begin to drop in, the inhabitants forsakeing it, some to New England, Pensilvania *etc.* St. Xphers, tho' of much less strength and abundantly fewer in number, yet gave the enemy an honourable [*? resistance*], and ye verdure of that Island seems to recover its former complexion. Col. Handasyde had made such preparation at Jamaica, that the enemy would have small reason to vant of their enterprize *etc.* They are now erecting a new battery of 20 cannon at Port Royall, *etc.* We were chased into Plymouth. *Signed*, John Smith. *Copy.* 1 $\frac{1}{4}$ pp. [C.O. 137, 45. No. 81.]

July 29.

446. Mr. Merrett to Mr. Sec. Hedges. *Encloses following and repeats part of letter, July 5.* I have letters from severall persons advising how easye they are with Major Lloyd's manidgment. I humbly pray that some mention may be made in the Gazett of the *enclosed* Address, *etc.* *Signed*, Solomon Merrett. *Endorsed*, R. 29. *Addressed.* $\frac{3}{4}$ p. *Enclosed*,

446. i. Major Lloyd to [*? Mr. Merrett*]. St. Johns, Newfoundland, June 6, 1706. This comes by so sudden an oppertunity that have not time to give you an acct. of the affairs of this country, it being by one Capt. Filmore bound for Lisbon, who only stops at the harbour's mouth, but would not stay. I received yours of Feb. 12, and observe the unjust reflections put upon me by my false accusers, but I dare venture to say that no Officer that ever served here was ever more intirely beloved by the inhabitants and Commanders of ships now here. So far from trading have I been last winter, that tho' I had an oppertunity by the necessity the people proved to be in for want of provisions last winter of laying severall 100*l.* in my pockett, yet did not dispose of one pennyworth to my own advantage, but lent every inhabitant whatever provisions they wanted only to returne the same in specie this summer, their gratitude for which and other kindnesses done by them oblidged them on the perusall of your letter to sign *enclosed* petition, *etc.* Pray *inform* Mr. Secretary Hedges that in December last a party of French came to Ferreland with a French ship to load salt. I immediately sent a party from St. Johns, who tooke severall Canadions prisoners, who are still in my custody, except two who endeavoured to make their escape from prison, but were kill'd in the attempt, the french since have not disturbed those parts. In March last an Officer with a strong party of men came to Port Grave and Conception Bay, and upon the request of ye inhabitants and the Generall Consultation with me and my officers, I went with 32 soldiers in pursuance of them—the

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enemy outran me, however I came up with some of their Indians, and took some of them prisoners, who are the first of that sort of cattle that was ever taken by the English here. A few dss [*? days*] past I viewed Placentia, having with me a small party of 16 soldiers, the 7th day after I went out I arrived at St. Johns back againe, there is in the Harbour of Placentia forty saile of merchant ships, but not one man of warr, and pray observe to Mr. Secretary that he will find my words true, that no effectuall means can be taken but the method you and I proposed last summer, which would and I am sure will have success, if ever attempted. There wintered in Newfoundland this year English 1,200, there was at Placentia last winter but 200 inhabitants and 120 soldiers. Mr. Roope and the Capts. of the men of warr last summer told me of 900 being there, but I found that and almost everything else they said very wrong, and I wish they may not do the Governmt. a prejudice by pretending to things they know nothing of. I would have attempted Placentia this spring, but could not prevaile with the Inhabitants to joyne with me, and am sure would have carryed it without the loss of 10 men, once 42 masters signed for going, being fully sencible of the probability of the thing, but afterwards drew back for want of 200 soldiers to head them, it greives me to think what an opportunity has been lost. Notwithstanding the weakness of the french, they once intended another attempt on St. John's last winter, as the Prisoners give acct., I suppose imboldned by their late success, which they gained I am sure by the ill conduct and managemt. of the English, *etc.* I wrote per Capt. Bridge last fall 2 letters to Mr. Sec. Hedges, and one to Mr. Tucker and one to you with a full acct. of all, and have not time to send *copies* now, if Capt. Bridge has been so base as not to deliver them, I think the prejudice and the affront is as great, if not greater, to the Govermt. then mysele. I have done my duty in writing and sending them by a man of warr. Signed, Thomas Lloyd. *Endorsed*, R. July 29. *Copy.* 2½ pp.

446. ii. Inhabitants of St. Johns to the Queen. *Return* thanks for H.M. care of the fishery, recall of Lt. Moody and those under his commande, whose debauchery might have been of the greatest ill consequence, and for sending Major Lloyd and new troops *etc.*, whom we are firmly resolved to assist. It was Lt. Moody's continued ill usage that prevailed upon severall of us to sign the petition of last spring in his favour. Most of the inhabitants had resolved to goe for England, *etc.* 114 *signatures.* *True copy of address sent last year, certified by the Admirals of St. Johns.* June 6, 1706. 2 pp.

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446. iii. Inhabitants of Newfoundland to Sir C. Hedges. Last year we sent an Address (*as above*), which was intercepted, by wch. Lt. Moody and Dr. Jackson have endeavoured to lessen the reputation of Major Lloyd *etc.* to whose courage and conduct we owe our security this winter. He has wholly baffled ye enemy and has prevailed with the Inhabitants of Conception Bay to fish this season upon Islands, wch. keeps them from ruin and in great measure secures St. Johns by bringing their provisions out of ye way of ye enemy. We have been very much impoverished by the Enemy's plundering and ye exorbitant prices Lt. Moody laid upon the Queen's provisions wch. we were forced to give him, so that we were rendered incapable of providing our winter stock. Major Lloyd supplied us and converted not a pennyworth to his owne use, but lent it upon condition that we should return the same quantity in kinde in the summer, *etc.*, *etc.* 71 signatures. *Copy certified as preceding.* 1½ pp. [C.O. 194, 22. Nos. 68, 68.i-iii.]

July 30. 447. W. Popple to W. Lowndes. Encloses Act of the
Whitehall. Massachusetts Bay, 1701, *for establishing a Naval Office, etc.*, for the opinion of the Commissioners of Customs thereon. [C.O. 5, 912. pp. 193, 194.]

[July 31.] 448. Members of Council of Nevis to Sir C. Hedges. We humbly acquaint your Honr. with ye miserable circumstances this H.M. Island at present labour under for want of due care before and since the loss of it, which could not be prevented by so small a handfull of people, and not above 35 men of H.M. two companies, the rest being carried to Antego by Col. Johnson. After the first attack by the French, Feb. 5, Col. Johnson came and assured us the danger was not over, and after staying a few days, not calling together the militia officers or settled anything of that kind, and took off the 115 men he had sent from Antigoe and the above-mentioned detachment, and assured us he would return in 12 days. Wee intreated him to stay, but could not prevaile. During M. D'Iberville's occupation, Col. Johnson landed no men to our assistance, or have beene to this Island since the enemy left, or sent a guard ship with stores, for want of which the Island is a third worse than when the enemy left itt, by sloops coming and carrying off the inhabitants and stock. . . . The enemy left 112 small arms with 2 small casks of powder, and out of them the men of H.M. Regiment were armed; when the enemy left, we were in a fair way of resettling, were proper care taken, but are unable to prevent any incursions of the enemy ourselves, but a perfect prey to all robbers, *etc.*, *etc.* Signed, Wm. Burt, Jno. Smargin, Rich. Abbott, Jas. Bevon, Aza. Pinney: Endorsed, R. July 31, 1706. Addressed. 2 pp. [C.O. 184, 1. No. 22.]

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[July.]

449. W. Killigrew to Sir C. Hedges. This is what I can at present modestly say of Carolina, the rest must be discourse. Signed, Wm. Killigrew. Endorsed, July, 1706. Addressed. $\frac{1}{2}$ p. Enclosed,

449. i. A Memorandum of the products and trade of Carolina and the Bahama Islands. Cf. April 22. Concludes: By ye proceedings of ye Proprietors and ye Address of ye Lords it is not doubted but ye Government of Carolina will be in ye Crown. If by *Quo Warranto*, yt. will have several termes, all which time the People will live under oppression. If by *Scire Facias*, that is the quickest, but still time is lost, and the Proprietors will plead hard, first for ye Charter in general, 2nd, if ye Government is forfeited, they say it can onely be for South Carolina, which is not halfe; 3rd, Allow ye whole Government in the Crowne, they say the Rents and quitt-rents are not forfeited and must be paid to them, whilst ye Crowne must pay all ye Charges, Civill and Military. If so, ye Proprietors will be gainers in ye maine, and ye People have 2 masters, and ye Land sett at greater rents and charges, which will hinder People from settling there. Fourthly, it will be hard to punish ye Innocent, ffor 2 Proprietors are minors, and 2 more opposed ye 2 bills, and one is a Prisoner in the Fleet, so that there is but 2 or 3 Guilty of Misdemeanor. Now considering ye Consequence Carolina and ye Bahama Islands are to all our Plantations, I take ye ffredome to aske if it is not adviseable privatly to buy out ye Proprietors. In order to which I have given to my Lord Treasurer a Paper demonstrating where 28,000*l.* may be had, and no doubt the Parliament will consent to renew ye Lycences of the Hackney Coachmen rather than raise such a summe any other way (the Coachmen themselves petitioning for it), And if I am empowered to Act in this business, I don't question but to raise this money presantly. As to charges,

To buy out ye Proprietors of Carolina and ye Bahamas	.. .. .	8,000 <i>l.</i>
(But if I am imployed privately to agree with ym., some may be saved.)		
Charge of ye Bahamas, as in Mr. Graves's Paper	.. .. .	5,000 <i>l.</i>
For 100 soldiars and officers for 3 years for Port Royal	.. .. .	6,219 <i>l.</i> 15 <i>s.</i>

Charge total .. 19,219*l.* 15*s.*

Of 28,000*l.* stock remains cash 8,780*l.* 5*s.*

To be laid out in Fortifications, stores and ammunitions for Port Royall in Carolina. This together with ye rents of the Country will support ye Governt. for ever, and in 3 years tyme will bring in a good Revenue to

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ye Crowne of England. I am in treaty with some thousands of Protestant People from foreign parts, who are desierous to go thither when this affaire is settled, which naturally will increase ye Rents of the Country and ye Customes very considerably ffor England. Estimate of Civil List, Total, 2,080*l*. Signed, W. K. 3 pp. [C.O. 5, 306. Nos. 3, 3.i.]

July [?].
Antigua.

450. Lt. Governor Johnson to the Council of Trade and Plantations. *Acknowledges* letter of Aprill 26. I am sorry the accounts I gave of the state of these Islands was not particular enough, but the people here are afraid of having such accounts sent home as may be too particular, and fall into the enemyes clutches. It would be happy if the ministers, when [*were?*] fully appris'd of the condition of these collonies, which (and 'tis all I shall say at present) are so weake that unless great care be taken, they will infallibly fall into the enemyes hands next spring; and perhapps Barbados itselfe is not safe. I sent a full collection of all the Lawes, but the same is miscarry'd with the packett boate; if I did not send your Lopps. such an account of our stores, as you seeme to thinke necessary; I assure you 'twas only for want of knowing the method you wou'd be pleas'd with, and not to save paper or paines; for a full and compleate detayle of our stores will lye in a very small compass. In my last to Mr. Sec. Hedges [*? May 28*] I writt earnestly for 50 or 60 24 and 36 pounders with ball etc. for the use of Monkes Hill; and I now most humbly recommend that affaire to your Lopps., and I hope care may be taken that they shou'd arrive here and be plac'd by Christmass next, for 'tis not improbable the French will make us a visitt next spring. Signed, Jon. Johnson. *Endorsed*, Recd. 14th, Read 17th Sept., 1706. 1 p. [C.O. 152, 6. No. 62; and 153, 9. pp. 396, 397; and (extract) 152, 42. No. 5.]

Aug. 1.
London.

451. Mr. Dummer to Mr. Popple. *Gives* sailings of the *Jamaica* packet boat. Out and home, 107 days. The Islands are all quiett, ye French being supposed to be sailed to Leeward to attend ye galleons now at Cartagena and Flota at La Vera Cruce. Signed, E. Dummer. *Endorsed*, Recd. 1st, Read 8th Aug., 1706. *Addressed*. 1 p. [C.O. 323, 6. No. 14.]

Aug. 1.
London.

452. Same to Mr. Secretary Hedges. *Quotes* from a letter from Col. Burt, Nevis, June 1st:—The whole French force, of 5,000 odd men, was extreamely well armed, every man a choice firelock and bayonett fixt upon ye muzle, every man a cutting sword and many a pole-axe, which force we had about 400 men to resist. At this time there were 25 vessels in port and 300 odd men belonging to them, not 20 of them gave any assistance, but as soon as ye enemy landed, went into ye country, and with ye revolting negroes robbed ye planters as ye women and ye families left their houses, and plundered more than 3 parts of ye houses in ye Island. The negroes betooke themselves to ye mountaines with their plunder and there defend themselves, some that were

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nearest ye enemy went to them and were strip't of what they carryed off, as they deserved. Soe soon as ye enemy retired, abundance of sloopes and other vessells flocked here and took off goods, negroes, horses, etc. by stealth, which we could not prevent for want of a guard shipp. Col. Johnson has not given us any succour whatever, nor has been here himselfe to consider what to doe against all these misfortunes. The enemy had not above one halfe ye negroes, not a quarter of ye stock, or were halfe ye settlements destroyed, but now ye Island is a third worse than when they left. Many of ye ffamilies by this meanes are disheartned and have left ye place. The enemy used us barbarously, kept noe word with us in any point, and ye remains we have, in case we are not protected from ye obligations we were forced to comply with, will be carryed away, etc. *Signed*, E. Dummer. *Endorsed*, R. 1 Aug. *Addressed*. 2 pp. [C.O. 137, 45. No. 82.]

Aug. 1.
Crutchett
Fryers.

453. Mr. Merrett to Mr. Popple. I have received news from Newfoundland that in Dec. last a party of French came to Ferryland to load salt. Capt. Lloyd imediately sent a party from St. Johns, who routed them and took several Canadians prisoners. In March last an Officer from Placentia came with a strong party of French and Indians to Port Grave in Conception Bay. Mr. Lloyd with 32 souldiers went in persuit; on his approach they fled, but he following them, took severall of the Indians prisoners. There wintered in Newfoundland last winter 1,200 English. The prisoners gave an account that the French from Placentia intended to make another attempt on St. Johns last winter, but gave it over as they were on their guard there, which I presume if Mr. Moody had done, the French had not done that damage. All are well satisfied with Mr. Lloyd's government and conduct. *Signed*, Solomon Merrett. *Endorsed*, Recd. 2nd, Read 6th Aug., 1706. *Addressed*. 1 p. [C.O. 194, 3. No. 165.]

Aug. 1.
Whitehall.

454. Mr. Secretary Hedges to Governor Sir B. Granville. Yesterday arrived a West India packet bringing me letters from Antego and Nevis, but none from you. These letters give an account that ye unfortunate Island of Nevis has suffered a 3d. part more since ye ennemy left it, by reason of disorders and want of due care taken for settling ye people there. H.M. has given orders for applying a proper remedy and for putting those Islands into as good a condition of Defence as is possible with all expedition. In the mean time, it is to be wisht that the neighbouring Governments and such men of war as are in those parts would use thier endeavours to releive and support the Island of Nevis and give countenance and spirit to ye Inhabitants, that they do not desert ye Island. I hope ye Governor will be arrived there long before this time, who by his presence and authority may be able to restrain the disorders that have been committed since the French were there and still are continued in a very scandalous manner. I am very glad to hear by other hands that

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you had made very good preparations for giving the French a warm reception if they had made any attempt upon your Island. It is concluded now that danger is over, and that it will be no more in ye power of ye ennemy to give any disturbances in those parts. I have sent you heretofore ye continuation of our good successes, and you will receive by the news sent you this night from the office an account of King Charles III being proclaimed at Madrid, who we have little reason to doubt is by this time possest of ye whole Kingdom of Spain, you will take all opportunities that offer of letting ye Spaniards in America have ye good news of ye happy progresses of ye Allys, particularly of their Lawfull Sovereign, that it may encourage them to shake off the yoke of a fforeign Government, and to declare for his Catholick Majesty. I hope it will not be long before I shall be able to send you an account of further successes, the fleet being ready to sail with Land Forces on board upon some expedition which in all probability will be of very great advantage to the common cause. *Signed*, C. Hedges. The two concluding sentences were sent as a Circular *signed* by Mr. Secretary to Governor Lord Cornbury, Governor Nott, and Governor Seymour. [C.O. 324, 30. pp. 99, 100, 104.]

Aug. 1.
Whitehall.

455. Same to Governor Parke. I hope this will find you in your Government, where you have been very much wanted, the inhabitants of Nevis having according to the accounts I have received suffered very much since the French went off by their own disorders and for want of the presence and authority of a Governor, and I don't find that ye persons upon whom the administration devolved upon the death of Sir Wm. Matthews have taken any care of it, either before or after ye French being there. You are to enquire into all those mismanagements both before they were attackt, at ye time of ye ennemy's being in ye Island and since they left it, and to send over the originall Depositions, with your opinion upon the whole. You are to see the Blacks encouraged, who behaved themselves with so much resolution upon this occasion, and to use them well, and as to the grant made by Ibberville to certain Inhabitants of Nevis, it is by all means to be discountenanced, and if any of them should insist upon it, you are to send an account thereof and who they are. I send you an extract of what I writ concerning what H.M. has done, and measures are taken for sending you every thing else that is necessary for your Defence and Relief. She thinks it for ye service that you should make either Nevis or St. Christophers ye place of yr. residence at this juncture, and ye rather at Nevis, since by your authority and presence you will bee better able to put an end to ye scandalous disorders that have been committed and are still, according to the accounts I receive, continued in that Island. You are to use your utmost endeavours to encourage and give spirit to ye inhabitants to resettle, giving them assurances that H.M. is very sensible of their condition and will send them forthwith all Ordnance Stores that are necessary, more men, and will omitt

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nothing for putting them again into a flourishing condition, if they will do their parts for making H.M. gracious Intentions effectually. But above all she has it in her thoughts to secure them from ye demand of 1,400 Negroes the French pretend to make upon them, and which the Inhabitants are apprehensive the French may exact upon them after Oct. 6, before wch. time I hope you will have ye satisfaction of seing a good squadron of H.M. ships at those Islands. In the mean time H.M. does not doubt but you will exert yourself in ye best manner you can for her service, ye security of ye Islands, and ye quieting ye minds of ye inhabitants. And it is to be hoped that hereafter ye French will not be in a condition to give them any disturbance. *Concludes as preceding. Signed, C. Hedges. [C.O. 324, 30. pp. 100-102.]*

Aug. 1.
Whitehall.

456. Mr. Secretary Hedges to Governor Dudley. I received ye 6th past yr. favour of April 23. I have sent you heretofore ye continuation of our good successes, *etc. as in preceding.* H.M. is well satisfied to find you are in so good a posture with your French and Indian neighbours, and is pleased to approve of your service in relation to them. The copys of ye Articles offered to Monsr. Vaudreville and ye Treaty proposed by him to you concerning ye exchange of prisoners having been laid before H.M., she is pleased to order that you do not proceed any farther in that matter. *Signed, C. Hedges. [C.O. 324, 30. p. 103.]*

Aug. 1.
Whitehall.

457. Same to Wm. Burt. Yesterday I received a letter subscribed by yourself and 4 other Gentlemen, but without a date, which I have laid before the Queen, as I had before done Mr. Richard Abbot's letter of April 22, together with other letters relating to Nevis and St. Christophers, ye humble representation of divers merchants trading with St. Christophers, and a petition of the inhabitants of Nevis, whereupon H.M. has been graciously pleased immediatly to take such measures for your relief and support as are suitable to your unfortunate condition, of which I hope you will soon find the good effect. I have by H.M. command written at large to ye Governor to take all possible care for encouraging and giving spirit to ye inhabitants, in which I hope you will afford him all possible assistance in all that is necessary to be done, till such time as H.M. supplies can be sent from hence. *Signed, C. Hedges. [C.O. 324, 30. p. 104.]*

Aug. 2.
Jamaica.

458. Governor Handasyd to the Council of Trade and Plantations. Acknowledges letter and enclosures of April 26, and a duplicate of H.M. order relating to the stores of war in this Island, which I complied with on receipt of the original by the *Barbadoes* packett-boat that sailed Dec. last, and miscarried in her passage, and with it sent a copy of a bond of one Robert Daniell of Carolina for the return of some stores of war, sent for the service of that place, upon the request of the chief inhabitants there, and upon notice of the miscarriage of that packett-boat, I likewise sent duplicates of both those papers to your

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Lorpps. by the *Queen Anne* packet boat that sailed from hence Aprill 1st. I now send the same account, with an addition to it of what arms have been since delivered out to the inhabitants upon apprehensions of the Enemy. As to affairs in these parts, there are 14 gallions at Carthagene, 4 of which are men-of-war, two of 50 guns, each one of 54, and the other of 60 guns, and 10 merchant ships, but by an account we have from the Spanish merchants there, they are the poorest that ever came to the West Indies. Our woolen manufactory sells well among the Spaniards, but at present we have none here. Here is a new Vice-Roy come to Carthagene under convoy of 3 French men-of-war as they call them, but they are only privateers, he has above 70 Gentlemen of his attendants that are all French, he himself is very much in the French interest, which is a great dissatisfaction to all the Spaniards, he was just come to Carthagene when the flag of truce sent from hence came there, he told the Governor that he ought not to receive the packett with the King of Spain's Declarations, letters, etc., they being from an enemy, but the Governor called a Councill, wherein it was resolved on, that the packett should be opened, and copys of the letters taken and sent to Old Spain, and also of the Declarations etc., and the other packetts to Havanna, Porto Bell etc., as directed, which was a great mortification to the Vice-Roy. The Governor told him he himselfe was welcome there, but as for his attendants, none should be admitted there that were French. He had the like message sent from Porto Bell, when notice was given there of his coming, which shews the Spaniards' inclination for King Charles' interest, and I am of opinion whenever the fleet arrives, there will be great alterations. Admirall Whetstone, having been out with his Squadron, mett with a violent storm, in which he lost his main-mast and disabled his mizon mast, but he is making all the dispatch he can to refitt his ship. Two of H.M. ships of war, the *Montague* and *Foulston* [*? Folkestone*], sailed from hence about three weeks ago, but were drove into the leeward part of this Island, they are now sailed again, and as I'm informed, bound for Newfoundland. This Island is very healthy, and I am of opinion if Monsieur had come, he would not have taken Jamaica in 6 months' time, tho he had brought 10,000 men with him, and I do assure your Lordships that the honour of our great and gracious Queen, and the welfare of Old England shall never be lost, where I have the honour to command. I am still in want of recruits and men to compleat the two additional Companies, here being no more sent over of those two Companies than 35 men, so that I shall want to recruit the regiment and fill up those companys, at least 150 men. The Quartering Act being near expired, I have been obliged to call an Assembly, which is to meet Sept. 3. I hope they will be better humour'd than usuall, and not endeavour to entrench on H.M. Royall prerogative, which if they do, I shall be obliged to dissolve them. Our fleet of men-of-war and merchant ships under the command of Capt. Kerr, arrived here July 25. The men-of-war design to sail within 3 or 4 days to the Spanish coast. Another packett

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boat came in here July 27, so that we have now 2 packett-boats in harbour, and if anything happens during its stay worth giving your Lops. the trouble of, I shall not omitt letting you know; and since I understand by that packett-boat that your Lops. have received the account of the stores and bond of Robert Daniell, in which account is mentioned the particulars he had, I shall not trouble your Lorps. with them again, and as for the putting the bond in execution, it cannot be done here, because here are no effects of his, but must be done in England, where he has an estate. I send your Lorps. here enclosed an Address from the Council of this Island and myselfe to congratulate H.M. happy success, which we humbly desire your Lordships will present to H.M. *Signed*, Tho. Handasyd. *Endorsed*, Recd. 14th, Read 17th, Sept., 1706. 3½ pp. *Enclosed*,

458. i. Governor and Council of Jamaica to the Queen. Congratulatory Address upon the successes of H.M. arms in Flanders and Spain. Thanks for reinforcing Admiral Whetstone with the squadron of men of war lately arrived *etc.* *Signed*, Tho. Handasyd. 1 p. [C.O. 137, 7. Nos. 30, 30.i.; and 137, 51. No. 17; and (without enclosure) 138, 12. pp. 17-24; and (extract of letter) 137, 51. No. 12.]

Aug. 2. **459.** Governor Handasyd to Mr. Sec. Hedges. *Acknowledges* Jamaica. letters of April 20, May 9 and 16. As soon as Capt. Carr [Kerr] arrives, all the assistance that lies in my power shall be given in his expedition. *Returns thanks for his Regiment etc. and repeats parts of preceding.* *Signed*, Tho. Handasyd. *Endorsed*, R. Sept. 14. 2 pp. [C.O. 137, 51. Nos. 15, and (duplicate) 16.]

Aug. 2. **460.** W. Popple, jr., to J. Burchett. *Encloses* extract of Whitehall. letter from Gov. Handasyd [above], to be laid before the Lord High Admiral's Council. [C.O. 138, 12. pp. 16, 17.]

Aug. 6. **461.** Governor Handasyd to the Council of Trade and Jamaica. Plantations. *Acknowledges* letters of May 30 and 31. I have caused all the news of H.M. glorious success in Flanders, Spain *etc.* to be put into the best Spanish I can, and sent to the Admirall of the Gallions, and to the Vice-roy, who is lately arrived in these parts, and likewise to the Spanish Governors. Capt. Kerr has joyned Admirall Whetstone, who is gone with a noble squadron to the Spanish Coast, and I doubt not but their appearance there will have a very good effect. As to what your Lops. are pleased to say in relation to me and my Regiment, for my own part I am allways ready to serve our gracious Queen in any place she is pleased to command me to, and I dare say the Regiment is the same, since it is for the good of H.M. service, so that we do assure ourselves, on your Lorps.' promise to patronize us, that if a sudden peace should be made, we shall meet with no hardships, since we are of 18 or 20 years' standing, there not being many elder regiments in the service. I enclose to your Lorps. the copy of a letter sent to Mr. Arnold Brown, late Agent for prizes

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in Jamaica, who was superceeded by a Commission in the last packett, and has now in his hands between 7,000*l.* and 8,000*l.* of H.M. mony, and I do assure myselfe he will remitt it in heavy mony by this ffilet; by which letter your Lordps. will be informed of a very ill design of one Mr. Glover, the person who writt it, wherein he mentions the Duke of Marlborough's interest as an encouragement to Mr. Brown to follow his barbarous proposall: Mr. Glover's presumption herein I am very much surprized at, and cannot omitt giving your Lorps. notice of it, desireing his Grace may be informed thereof, that such methods may be taken with Mr. Glover, as may be a terror to all those who dare make use of a Nobleman's name of his worth to carry on their ill designs. Your Lorps'. Instructions of May 31 for a Thanksgiving shall be punctually observed. I shall be very glad to serve Sir Salathial Lovell, in what your Lops. have recommended to me relating to his son, who is supposed to be cast away in his voyage to England, but he left a power in a Gentleman's hands here to receive what effects of his were left behind, whom I shall take care to speak to of it, the first opportunity I have: a younger son of Sir Salathiel's died here since, and as I'm informed has left his affairs in great confusion. A Gentleman to whom he was considerably indebted has administered, and I believe every-body he has been concerned with will be losers. By the last packett boat arrived a Serjeant and 24 men for the 2 additionall companys, 4 men deserted at the Windward Islands, and one man died in the passage, so that I shall want about 120 men to compleat the Regiment. I hope it will not be long before I shall send your Lorps. the welcome news that matters are as favourable in these parts for the interest of King Charles, as in Old Spain, and I do assure your Lorps. no endeavours of mine shall be wanting towards the perfecting of it. Our homeward bound ffilet under convoy of Admiral Whetstone will not sail from hence in less than 2 months' time, and I am certain there will be at least 200,000*l.* in boullion on board them, so that I hope your Lorps. will take care that a squadron be ordered to meet them in the chops of the Channell. Our Spanish trade goes on very well, we are much in want of woolens for that trade, of which there is but little come in this ffilet. The Island is very healthy. *Signed*, Tho. Handasyd. *Endorsed*, Recd. 14th, Read 17th Sept., 1706. 2½ pp. *Enclosed*,

461. i. Mr. Glover to Arnold Browne. London, April 25, 1706. I have yett with difficulty prevented the Commissions being sent to ye abovesaid genll. per last pacquet, but fear it will come per this, tho' if I can, will stop it longer, however as it is you'll have time to gett a good sum of money into your hands, for I hear that there are severall prizes lately brought into your Port of considerable vallue, and if they should pretend to prosecute you for the money there, it is but comeing home for England imediately and bring a summe of money wth. you and all your effects, and I doe not fear but to get you in againe in the same post, if you have

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a mind to goe back againe, but I hope you'l have secured soe much money, that you'l have noe occasion to goe back againe, and I doe not doubt but by the interest of the Duke of Marlborough, I may procure you some good employment here, if you be but just to me, and take care to pay me my money, which I doubt not but you'l doe, considering how flavourable and kind I have been to you. *Signed*, John Glover. *Vera copia*, Arnold Browne. *Endorsed*, Reed. Sept. 14, 1706. 1 p. [C.O. 137, 7. Nos. 31, 31.i.; and (without enclosure) 138, 12. pp. 24-29; and (extract of covering letter) 137, 51. No. 18.]

Aug. 6.
Jamaica.

462. Governor Handasyd to Mr. Sec. Hedges. *Acknowledges* letters of April 20 and May 30. The fleet is arrived here consisting of 11 sail of men of war and a fireship, etc. *Repeats parts of preceding letter. Signed*, Tho. Handasyd. *Endorsed*, R. Oct. 30. 1½ pp. *Enclosed*,

462. i. Duplicate of *preceding enclosure*. [C.O. 137, 51. Nos. 19, 19.i.; and (without enclosure) 137, 45. No. 83.]

Aug. 10.
New York.

463. Governor Lord Cornbury to the Council of Trade and Plantations. *Acknowledges* letter of July 18. By the first clause I perceive that you expect to hear from me what has been the effect of the suspension of execution of H.M. Proclamation relating to the coin etc. The only effect I can acquaint you with, is, that this Collony has by that means had money enough circulating in it to carry on the Trade of the Province, which otherwise would not have been. I must confesse that the money we have is very bad, and that is chiefly the fault of the Assembly, and that thus, the people of Boston have a much greater Trade to Old England then the people of New York, by reason whereof they have much greater quantitys of European goods then our people have, and much more then they can consume, they send great quantitys of European goods in their sloops to this place, here they sell their goods for ready money, and good money, this money they clip at Boston to a third part lesse in vallue then it was when they received it, and send it back hither to buy our corn in grain (for they seldom take flower); by this means they are able to sell flower made of our own corn in the Islands cheaper then we can, this I have endeavoured to prevail with the Assembly to prevent by laying an additional duty on all European commoditys imported into this place, from any place but from England, but they have not been willing to doe it yet. As for the account of stores of warr, I sent accounts of all the stores expended here since I came to this Province by the way of Jamaica, and now I send an account of what stores are remaining here, by which you will see that wee want almost everything. Your Lordships are pleased to observe that I could not legally and properly by my Instructions admit Mr. Mompesson, Mr. Barbarie and Mr. Phillips into the Councill, without H.M. previous appointment, which I acknowledge,

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and ask H.M. pardon for it ; but at the same time intreat you to believe that I should not have done it, had not the Queen's service in a great measure required it, for by my Instructions I am directed not to act any thing in Councill without five of the Councill, unlesse it be in cases of emergency. Now, when I added those three Gentlemen to the Councill, there was then Members of the Councill living, Col. Schuyler, Mr. Van. Dam, Mr. Beekman, Mr. Lawrence, Col. Heathcott, Col. Romer, Col. Wenham and Mr. Renslaer, of those there are only Mr. Van Dam and Col. Wenham livers in town, Col. Schuyler and Mr. Renslaer live at Albany, Mr. Beekman and Mr. Lawrence live in Long Island, Col. Heathcott lives in West Chester County, and Col. Romer has been at Boston almost 4 years, soe that I could be sure but of two Councillors in winter time, let the exigency be what it would, for those at Albany can not come in the winter, those on Long Island are under as great difficultys, for sometimes for a month or six weeks together it is impossible to crosse from this City to Long Island ; Col. Heathcott is under the same difficulty sometimes, and this I doe assure your Lordshipps is the only reason that moved me to admit those three Gentlemen into the Councill ; I return my most humble thanks to your Lordshipps for your kindness to me, in representing that matter favourably to the Queen ; I will take care not to committ the like error again ; I herewith send a list of 12 persons, whom I look upon to be the fittest persons to serve H.M. in her Councill. I have been forced to dismissee Mr. Wm. Lawrence from the Councill, after having born with him upwards of three years, in many irregularitys, and perticularly one time having had a complaint against him for assaulting a man upon the highway. I sent for him, and told him if he would not cease committing these irregular proceedings (of which I reckon'd up severall that he had been guilty of), I should be forced to remove him, he promised he would amend his ways, but instead of that, in a few weeks, I had a complaint by some of the Justices of Queen's County where he lives, that he and some other persons moved by him had committed a Riot and desired leave to proceed against him at Law, I acquainted the Councill, who were all of opinion that he ought to be dismissed from the Councill, and indeed I was of the same opinion, being well satisfied that he is in noe wise fit to serve H.M. in that place, nor indeed in noe other ; therefore I did dismissee him, and ordered the Secretary Mr. Clark to make an entry in the Councill Books accordingly, which he has done. I intreat your Lordshipps that Col. Peartree may be admitted in the room of Mr. Lawrence, whose suspension I hope the Queen will be graciously pleased to approve of ; I likewise intreat your Lordshipps that Col. Quarry may either come into the Councill in the room of Col. Romer, who has quite left this Province, or be added to the number of twelve, as he is in New Jersey. All the Journalls of the Assembly, and the Minutes of Councill since my coming into this Province are transcribing in order to send to your Lordshipps, they would have been ready by this time, but Mr. Cosens, who was formerly Clerk of the

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Councill, has been a great while at Rhode Island upon his own affairs, is but few days agoe return'd to this place, and is hard at work upon them; soe I hope in a short time they will be finished, and shall be sent by the first conveyance that offers. *Signed*, Cornbury. *Endorsed*, Recd. Nov. 28, Read Dec. 5, 1706. *Holograph*. 3 pp. *Enclosed*,

463. i. List of persons supposed fit for vacancies in the Council of New York. Col. Wm. Peartree, Col. R. Quarry, Col. Rd. Willet, Capt. John Chollwell, May Bickley, James Emott, Capt. Ebenezer Wilson, Major Thomas Jones, Major Augustin Graham, Stephen De Lancey, Col. Wm. Merrit, Barent Rynders. *Endorsed as preceding*. 1 p. [C.O. 5, 1049. Nos. 18, 18.i.; and (without enclosure) 5, 1120. pp. 483-489.]

Aug. 12.
Whitehall.

464. Sir C. Hedges to the Council of Trade and Plantations. I desire you will prepare a warrant for H.M. signature for a Commission of Review in pursuance of Order in Council, June 26. *Signed*, C. Hedges. *Endorsed*, Recd. Read Aug. 15, 1706. 1 p. [C.O. 5, 1049. No. 17; and 5, 1120. p. 476.]

Aug. 13.
Whitehall.

465. Council of Trade and Plantations to the Board of Ordnance. *Enclose* Lt. Governor Bennett's list of stores of war which he found at Bermuda. (See No. 424.i.) [C.O. 38, 6. p. 220.]

Aug. 13.
Admiralty
Office.

466. H.R.H. the Lord High Admiral to the Queen. I have no objection to the *Martha* (Sir W. Phippard) being permitted to return from Virginia without being embargo'd. *Signed*, George. [S.P. *Naval*, 7. *under date*.]

Aug. 15.
Barbados.

467. Governor Sir B. Granville to Mr. Sec. Hedges. I have the honour of your several letters of the 28 and 30 June and the 4 of July *etc*. We have had no certain news of the French since they left Nevis so long agoe, they did not make any attempt on this place, notwithstanding what they gave out: by reports which come about to us from Martinique by the way of Antegoa we are told that Monsr. d'Ibberville was near 4 months agoe at St. Domingo ready to sail from thence for to attack Jamaica, having added five ships of warr to his squadron and taken 1,000 Land men more on board, *etc*. *Signed*, Bevill Granville. *Endorsed*, R. Oct. 30. *Holograph*. 2 pp. [C.O. 28, 43. No. 9.]

Aug. 15.
Whitehall.

468. W. Popple to Mr. Attorney General. The Council of Trade and Plantations send you a copy of the first Commission and proceedings on the complaints of the Mohegan Indians, and desire you to send them a draught of a Commission of Review. [C.O. 5, 1120. p. 477.]

Aug. 15.
Maryland.

469. Governor Seymour to Mr. Popple. In obedience to their Lordships' commands signified by your letter July 28, 1705, which I recd. not till Feb. 10, 1706, I have sent the Old

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Seale of the Province by the Rev. Mr. Evans, Minister of Philadelphia etc. Sooner I could not send it with any likelihood of safety. *Signed*, Jo. Seymour. *Endorsed*, Reed. 20th, Read 25th Nov., 1706. *Addressed*. 1 p. [C.O. 5, 716. No. 17; and 5, 726. p. 395.]

Aug. 21.
Maryland.

470. Governor Seymour to the Council of Trade and Plantations. The opportunities of paying my duty to your honourable Board during this warrtime are so seldom, that I hope your Lordships' just consideration thereof will excuse what, were it otherwise, would seem remiss in me. The last occasion I was able to embrace was by the *Elizabeth* of Liverpool, Capt. Edward Ratchdale, Commander, by whom I wrote to your Lordships of March 8, and being a shipp of very good countenance, hope may be well arrived. *Encloses duplicates*, and proceedings relating to two prizes, brought into this Province since my arrivall, *L'Ortolant* and *Francois* of Rochell. Since which, on April 2, have had a Meeting of the Generall Assembly, and laid before them H.M. Royal Commands for the Advancement and Security of Trade, by erecting Ports; of the necessity and advantage whereof they being thoroughly convinc'd, have enacted a Law for that purpose, herewith transmitted for your Lordships' approbation and H.M. Royall Assent. I am sorry the Law does not oblige all goods and merchandizes to be landed, as well as the shippes to lye, at the ports only, and there take in the Tobacco under the eyes of the Officers of the Customs, the only effectual way to secure Trade. Yett am glad they have oblig'd the shipping to lye at Towns, and there unliver and loade; not doubting but their lying in such publick places will in some measure prevent clandestine Trade, and am not without hopes that a very little time will convince the Planters 'tis their Interest to bring Tobacco to Towns, against which their present objection was the want of store-houses and nailes to build. H.M. gracious flavour in admitting Navall Stores to be imported from these her American Plantations, is received very thankfully by the Inhabitants of this Province, many of whom have large old ffields, which have been Tobacco Plantations, and tho' the ground be very rich, yet its jaded with Tobacco, but expected may be very proper for Hemp; the sowing and reaping whereof, being about the last of March and October, will be little hindrance to the Tobacco Manufacture, so that so soone as the Planters can gett into a stock of seed, I hope some considerable quantitys may be sent for England, and the further to encourage it, the Assembly have enacted a Law for Hemp and Flax to be currant in part-payment of debts in the country. Masts, yards and bowspritts will at present, while the freight of Tobacco goes so high, (tho' enough to be had here) be only supply'd from New England and the usuall places where the shippes go to ffetch them; Many people are aiming at rozin, pitch, tarr and turpentine, and believe will send home some pitch this shipping. But tho' we have in many places great quantitys of pines that will afford all these, yet for want of skill in the tapping, drawing off, and otherwise burning the tarr-kilns,

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it is complain'd of to be too hott for the ropes, which might be easily corrected by art. There is another Law the Assembly were pressing to have enacted, prohibiting the exportation of European commoditys hence to the neighbouring Plantations for some small time; 'Tis true it bears but a very indifferent countenance, as seeming to lay a restriction on Trade, but hope it will plead its excuse by informing your Lordships how pressing the extreme want of cloths and bedding is at present in this Province, tho' our labour and industry are equally as great as when the merchants were willing to supply us with goods at the prime cost, for which the most moderate now exact one, and the generalty two cents. And our diligent neighbours, the New Englandmen, against which this Law is levell'd, for fish, rumm and wooden ware, take the oppurtunitys of purchasing considerable quantitys of our Tobacco, and leave the same ready against the out-port vessells come in (being the only Trade that supply us with goods now, the London shippes generally coming empty) to purchase whole shippes' loadings, which they imediately export to New England, to the great disappointment and dissatisfaction of our gaping Planters; the merchants being willing to deale where they can purchase their full cargoe, rather than straggling hogsheads. Many licentious persons here presuming to marry againe, their former husbands and wives living, on whom the Statute of Bigamy, primo Jacobi primi, by the very words expresly confin'd to H.M. Kingdom of England, seem'd not to take hold, the Assembly have declar'd the pains and florfeitures thereof to be in force with us, which was most absolutely necessary, in regard there is no Ecclesiastical Judge here. In the same Law they have also declared the Penall Laws of England, with respect to the Tolleration granted H.M. protestant subjects, to be in fforce; which last was a blind jump in some of the Assembly, who were a well-wishing party to the interest of the Roman Catholiques here. And this will more plainly appear to your Lordships upon perusall of the Journalls of the House of Delegates, wherein may be seen how readily their Petition was granted when preferr'd to the House, tho' in a most undecent dress, and such as H.M. Councill here could not approve, tho' through the mediation of the Delegates we were induc'd further to expect H.M. good pleasure for one twelve months.

Your Lordships will observe a Representation relating to Irish servants, who are generally papists; great numbers of which have of late years been imported here, and some hundreds upon a specious tho' false encouragement given them in Ireland by Mr. Charles Carroll (one principally concern'd here for the Lord Baltemore) or his Agents, who in that H.M. kingdom, printed and dispers'd papers, assuring them of good tracts of land at the head of the Bay, and free Tolleration and exercise of their superstitious worship: And it having been in this Province complain'd of and also represented to the House of Delegates how busy those of the Roman Comunion were to make proselytes of poor protestant servants, gotten into their hands by any sinister means whatever; They immediately resolved that a

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Bill should be prepar'd to forbid the sale of any Protestant servants to any of the Romish Church ; Which was presently understood by the Roman Catholicks. They used such means by their friends and partys to have the Bill clogg'd with another clause to inhibitt all white servant women from working in the Tobacco cropps, which I was advis'd would be of diminution to H.M. Revenue, therefore could not consent to it. Upon my first arrivall in this Province, I had no sooner met H.M. Councill, but severall complaints were brought me, of the audacious misbehaviour of the Romish Clergy in this Province, and particularly two presentments from St. Mary's County Courts against two Priests, William Hunter and Robert Brooke, for saying publick Mass in the City of St. Mary's, the County Court then sitting there. And well knowing my Instructions to be no ways in favour of them, but that they were particularly exempted out of H.M. gracious Tolleration, H.M. then Attorney Generall, Mr. William Dent, since deceased, seeming to be uncertaine what the Courts and Juries might do in this respect, I sent for them before myself and H.M. Councill, where I check'd them for their insolence, and very fairly caution'd them to take care of comitting any further irregularitys, assuring them that they should not go unpunish'd, if proved, and so dismiss'd them for that time. The whole Country were so sensible of the indirect practices used by those Gentlemen, that this Generall Assembly, upon their first meeting, prepar'd and sent up a bill to curb their extravagancy, which H.M. Councill and myself thought but reasonable, and notwithstanding the mediation of a great part of the House of Delegates (whose interests in lands are considerable) to procure a suspension of that Law, yet it is evident the Jesuites and Roman Catholicks are so farr from amending their behaviour, that they rather value themselves upon their being able to make partys in the House of Delegates ; their superstitious zeale on all occasions pouring itself forth agt. the Government, with most bitter and invective railings, the very quintessence of their Religion : Nay the very common sort and children are so degenerate and seduc'd by the Jesuites, that they rather wish and pray for, than H.M. success, that of the greatest of Tyrants. I put the Assembly in mind to inspect the Receiver's accounts, upon perusall whereof they find that 260*l.* of the 3*d.* per hhd. given by his late Majesty, for purchasing arms and ammunition for the defence of this Province, had been misapply'd (as your Lordships will perceive by the copy of the Address to the Rt. Hon. the Lord High Treasurer, at the end of the Journall of the House of Delegates). I humbly offer the same to your Lordships' consideration, and that you will please to take notice thereof, ffor tho' there may have seem'd to have been a necessity for expending the money, yett without doubt it is not according to the Royal Instruction. Wee have also presum'd to prefer our most humble Address to H.M., to grant us some small species of base copper coine (copy of which Address, together with the proposall your Lordships will see in the Journalls of the Councill, and of the House of Delegates), and at this time, now we are

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unanimously bent on Towns and Ports, such a small summ as we propose seems most absolutely necessary to be currant here, in order to defray the petty charges of boatage and bringing our Tobaccos to Towns, for the more ready dispatching of the shipping ; and in regard it is not propos'd to be anywhere else currant, or for any great summ, we humbly hope your Lordships will approve and recommend it to H.M. favour, for unless we have small ready cash, we can never pretend to ports or Towns, and now especially, seeing the French and Spaniards are so potent and industrious to annoy these American parts. I doubt not your Lordships will judge it convenient H.M. subjects of Virginia and Maryland, as well as other Countrys, should live in such a community, that they may have some place to resort to, and be able to defend each other, should they be insulted by their Enemys. According to your Lordships' directions, I laid Sir Thomas Laurence, H.M. Secretary of this Province, his Representation before the House of Delegates, for them to make answer thereto, and upon their Journall they say they have fully answered the same, which is transmitted to your honourable Board. At present there is a considerable fleet of merchants' ships in Virginia and Maryland, and perhaps the greatest that ever has been known these many years. The additionall convoys expected, being so long detain'd, lays the Trade under great disappointments, which might very well have sail'd hence in May, and now will be forc'd to summer in the country, and perhaps undergo a winter passage, which may be of great detriment and hazard. The Inhabitants of this Province have suffer'd more this warr than any other of H.M. Plantations, by the marketts in Spain and Flanders being shutt up ; so that many considerable Planters that have good stocks of Negroes, and live within bounds, complaine they are scarce able to bring the years about and cloth their Servants and Negroes. H.M. and her Allies' success in Spaine, I hope, will advance our staple, otherwise we have no better prospect than starving, for want of cloths ; for it's very inconsiderable what is supply'd by the London merchants, neither have they any great encouragement so to do, considering how much the Country is already indebted to them, very many plantations being mortgaged to them, of which there seems little probability of redemption, considering the growing interest, tho' to men in trade not equivalent to the use of their moneys. We were lately alarm'd by the French squadron and privateers that have infested the West Indies, whereupon by the advice of H.M. Councill, on May 20, I issu'd a Proclamation, and tooke care to putt the Country into the best posture of defence I could ; having gotten the shipping into the ffishes, where it would be very difficult to annoy them, and where the greatest force of the Country might be easily drawne downe to their assistance. But God be thank'd, we have heard nothing of the enemy, and now are supply'd with a considerable reinforcement of arms and ammunition, Col. Blakiston, our Agent, has lately purchas'd, and sent us from England. *Encloses* copies of two French letters intercepted in the prize *La François*, being all the letters that

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were found in her of any publick concerne, the one from the Governour of St. Domingo to one of the French King's Council, and the other from M. Depaty to M. Du Cas, having sent the originalls to the Secretary of State. I have sent the old Seale of the Province to Col. Blakiston, *etc.* *Signed*, Jo. Seymour. *Endorsed*, Recd. Dec. 3, 1706, Read Feb. 20, 1707. 8 pp. *Enclosed*,

470. i. M. de Paty, one of the Chief Officers in building the Fort at St. Louis, St. Domingo, to M. Du Cas, at Paris. Leogane, Sept. 6, 1705. *Compliments and account of trading on his behalf.* Six months ago we expected a King's ship called the *François*, who is to bring the ammunitions needful. The Fort of St. Louis will be finished in Feb. Within this month our cruisers have brought in a great Bristol ship. The English squadron that was this way, and did cruise a long time before Cartagene, did take Capt. Gusin coming from Guinea. We have letters from M. Leneaux that they are gone back, *etc. etc.* *Signed*, Depaty. *Endorsed*, Recd. Dec. 3, 1706. *Copy.* 2 pp.

470. ii. Governor of St. Domingo to M. De La Boulay, Commissary General of the Marine at Paris. Leogane, Sept. 18, 1705. *Refers to Fort St. Louis as in preceding.* The Garrison lacks the complement of men. Provisions are extremely scarce, so that M. Depaty fears work on the Fort will have to be laid aside, *etc., etc.* *Signed*, Auger. *Endorsed as preceding.* 1½ pp.

470. iii. Journal of Committee of Accounts in the Assembly of Maryland, April, 1706. *Same endorsement.* 16½ pp. [C.O. 5, 716. Nos. 20, 20.i.-iii.; and (without enclosures) 5, 726. pp. 401-415.]

Aug. 24. **471.** Mr. Secretary Hedges to the Council of Trade and
Whitehall. Plantations. *Encloses following.* I desire your opinion what ordnance and stores may be necessary to supply them withall. *Signed*, C. Hedges. *Endorsed*, Recd. Read Aug. 29, 1706. ¾ p. *Enclosed*,

471. i. R. Cary to Sir C. Hedges. Prays for cannon and ammunition for Antigua as Lt. Gov. Johnson in letter of July [No. 450]. *Signed*, Richd. Cary. [C.O. 152, 6. Nos. 59, 59.i.; and 153, 9. pp. 387, 388.]

Aug. 26. **472.** Tho. Cottgrave and Jeffery Meriwether to Richard
Nevis. Meriwether. Mrs. Mary Helms bath her house, mills, coppers, boyling house *etc.*, which was left by the French, taken away by our Governor, Col. Johnson, saying M. D'Abervill left it standing for him, and that 'tis now his, and dares any person to meddle with it *etc.* *Subscribed*,

472. i. Mr. Meriwether to Col. Jory. Prays him to lay *preceding* before Sir C. Hedges "in favour of a young gentlewoman to whom I am guardian" *etc.* *Signed*, Rich. Meriwether. *Endorsed*, Nov. 1706. Extr. sent to Col. Parke. 1 p. [C.O. 184, 1. No. 23.]

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Aug. 28.
St. Christo-
phers.

473. Governor Parke to the Council of Trade and Plantations. I have now visited all the four Islands, and have seen out all the Militia of each Island ; at Antegua there is abt. 700 ; at Montserrat there appeared but 400, and not 10 swords amongst them ; the Lieut. Governor told me there were in the Island 600, but the greatest part of them are Irish Catholicks ; at Nevis there did not appear above 150, there is on the Island about 250 ; on this Island there are just 450, but 30 of them are inhabitants of Nevis ; the Queen's Regiment is 328 men, this is all the force I have to defend these Islands with, and what is worse, if the Queen will send us more men we cant keep them ; the country allows 12*d.* a day to each soldier, and in proportion to the officers, wch. is a burthen they complain of very much ; all wee propose by troopes is to have enough to releive the severall guards ; and one Island cant assist the other ; 'tis true Antegua being to windward may assist the rest, if they had timely notice, but the French can make a detachment of 2,000 men, and in one night's time be with us. Oct. 4 is the day for the Nevis men to pay the 1,400 negroes ; what I shall do I know not ; they cannot comply with it, and if they could I think they ought not, for after ye forced capitulation the French burnt and destroyed all they could not carry off ; I will take all the soldiers and be wth. them myselfe ; I will run the same fate wth. them ; if I have my brains knokt out the the Queen must send some other unfortunate Divil here to be roasted in the sun, without the prospect of getting anything ; if I am taken prisoner I hope your Lopps. will gett me exchanged ; In short, these Islands are so small, they will not maintane inhabitants enough to defend them ; the only way to help us is to distroy Martineco ; it leys to windward of us, and is large and populus ; if the Queen will send forces to distroy that, we may be secure, or if she wou'd take Porto Rico (wch. is a large healthy Island) the Inhabitants would remove and settle there ; I hope if there comes any forces, your Lopps. will gett me the second command, if not the first ; and one of the Regiments ; wch. will make me some amends for the fateague I have undergone and must undergo. I think I have the good Fortune to please the people, except Col. Codrington ; yr. Lopps. gave me an Order of the Queen in Councill to serve on him, I was allso ordered by my Lord Treasurer to demand the prizes of the last warr ; and 'tis in my Instructions. Since I told him of these, he has opposed everything, and is just as troublesom as I told you he would be ; I hope to deel wth. him well enough for his arbitryness when Genll., and his covetuousness ever since had made him generally hated ; I desire yr. Lopps. to send me a copy of the Order of Councill for limiting the grants of St. Christophers, yt. is the French ground ; for Col. Codrington has granted all without any lemitation. I hope yr. Lopps. will gett us some great gunns and stores. Wee want 40 or 50 large whole culverins to protect our Harbours ; our merchant ships are forced to keep watch and their gunns loaded for fear of being taken away by privateers ; the armes Sir W. Mathews brought, the French broake them, not thinking them worth carrying away. I hope what are sent

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may be good ; lett them send byonetts wth. the musketts, and to screw on uppon the mussells, and slings to them, all London made and tryed. I desire yr. Lopps. to give me leave to give you my case. When I brought the news, the Queen promised to provide for me ; I had this post given me, was a year before I could gett a transportation ; I was carryed to Barbados where I fell sick, I found my Government plunder'd ; I have had the plague, have four distinct Governments, I must be a continuall vagabond goeing from one to the other, Nevis being 18 leagues from Antegua, 1,200*l.* the year in a dear country ; I hope yr. Lopps. will not envy yr. Lopps.' obedient humble servant, Daniel Parke. I would have allowed yr. Lopps. more paper if I had had it ; I had much ado to gett this [*a different sheet of paper*] being found by the pacqt. in a poor plunder'd Island ; had the paper held out, to the rest of my afflictions I would have added Col. Codrington. I hope I shall do my duty and please the people till the Queen will provide for me better ; I hope yr. Lopps., will excuse what's amiss, for I am almost crased wth. the fateague, the hott weather, and my feaver, wch. I have been quit of but three dayes. I compair my post to yt. of a Serjeant wth. 12 men uppon an advanced post ; allwaies allarmed ; wee are so frightened, every two or three slupes wee believe is another French Fleet, and I must mount tho' at midnight ; I am deservedly punished for desiring to be a Governor. *Endorsed*, Recd. Oct. 31, Read Nov. 12, 1706. *Addressed*. *Postmark*. *Holograph*. 5 pp. *Enclosed*,

473. i. Account of H.M. Regiment of Foot in the Leeward Islands. St. Kitts, Aug. 27, 1706. *Total*, 328. *Endorsed*, Recd. Oct. 31, 1706. 1 p. [*C.O.* 152, 6. *Nos.* 63, 63.i. ; and (*without enclosure*) 153, 9. pp. 400-405.]

Aug. 28.
St. Christo-
phers.

474. Governor Parke to Mr. Secretary Hedges. *Acknowledges letter*. I will send accounts of H.M. successes to the French Islands and the Spanish West Indies. The people of this Island and Nevis are obliged to H.M. for her care to send them provisions and stores etc. *Repeats parts of preceding*. These Islands are a vast advantage to England, the export of their sugars brings great sums from Europe to England, besides the peices of eight that are sent thither. If the Queen thinks it worth her while to preserve them, she must send a force to take or destroy Martinico, Marygallant, Gaurdilupa, and Grand-Terre. 6,000 men would doe it, etc. *Proposes details and offers to command*. As bad a soldier and ingineer as I am, I dare undertake to take all the French Islands or be content to be hanged. . . . Or if H.M. will send us 3,000 men and siege materials, we will take Porto Rico, etc. The people would be glad to remove thither, and by one of the Articles in the Grand Alliance, whatever we take in the Spanish West Indies, we are to keep. By either of these projects, England would be the staple for sugar. For if the French Islands were taken, that would give it us. If we had Porto Rico, the land is soe good, the Island soe large, timber

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enough for building and caske, in 7 years we could make sugar soe cheap as to be able to undersell the French: we could doe it for half the charge we are at here. There we should have everything of our own. On these Islands we buy all our timber and provisions. Porto Rico is a much better Island than Jamaica, for it is the most healthy Island in America; if we had that Island, we should draw numbers of people from the barren land of New England, who are there of noe service to England, but the contrary, and in Porto Rico every man would be worth to England at least 20*l.* per annum *etc.* I hope the Queen, when she releives Whetham's Regiment (which is five times better to him than my Government) will let me have the command of the next that comes. It would be much better to break this Regiment (and give Whetham another), and put it upon the same foot as last warr, 5 companies of 100 each; the General to command as Collonel, and each company to have a Captain and two Lieutenants. For 'tis a great burthen to the people to provide quarters for soe many officers, and they can't well keep above 500 men, for the Islands allow[s] to every soldier 12*d.* the day, wch. is a vast charge, and without it the soldiers can't live, everything here is soe very dear; if the Queen would send them, wee can't keep men enough to defend us. We onely desire 500 men, which are enough to relieve our severall guards.

Col. Whetham has not been here 4 months in the 5 years. This will save the Queen a great summe of money, and be more agreable to the Islands; for if you relieve this Regiment with another, the Colonel and Lieut.-Col. and perhaps the Major and great part of the officers will make interest enough to stay at home, or if they doe come, they will stay but 2 or 3 months, therefore the Queen might as well save the charges of those officers, *etc., etc.* Signed, Daniel Parke. Endorsed, R. Oct. 30. 7½ pp. [C.O. 239, 1. No. 12.]

Aug. 29.
St. Christo-
phers.

475. Governor Parke to Mr. Secretary Hedges. This being the Day of Thanksgiving for the glorious success of my Patron the Duke of Marlborough, we did as heartily rejoice as any other H.M. subjects, tho' at present under great calamity. After the Queen, Prince and the Duke's healths were drank and eat as good dinner as we could gett, the Lt. Gov., Councill and Assembly brought me the enclosed address to the Queen, which please to present to Her and put into the Gazette *etc.* We are very loyall, tho' poor, and indifferent honest tho' at present in great want of arms, stores and everything that is fit for the use of man. Signed, Daniel Parke. Endorsed, R. Oct. 30. 2 pp. [C.O. 239, 1. No. 13.]

Aug. 29.
Virginia.

476. President and Council of Virginia to the Council of Trade and Plantations. It is with unaffected grief we give your Lordshps. the trouble of a few lines on this sad occasion, to acquaint you with the death of H.E. Edward Nott, who after 9 days sickness dyed of a Fever, Aug. 23. He was a Gentleman of a very happy temper to cure our Divisions; and managed whatever

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was proposed for H.M. service in Council and Assembly with great satisfaction and success. The Government, devolving on the Council, we assure your Lordships of our utmost endeavours to manage it to the best advantage of H.M. service, and the quiet and peace of this Colony, which we doubt not we shall be able to preserve till H.M. shall think fitt otherwise to dispose of that trust. Our great Concern for the good of the Country in the present circumstances makes us heartily wish that H.M. may be so happy as to find a person of the same ability and good temper to succeed Col. Nott, to perfect the work of our Union, and the other good designs he had successfully begun, and would undoubtedly have finished, had it pleased God to have allowed him a longer continuance amongst us. *Signed*, E. Jenings, Presidt., Dudley Digges, Benja. Harrison, Robert Carter, James Blair, Philip Ludwell, Wm. Bassett, Hen. Duke. *Endorsed*, Recd. 20th, Read 26th Nov. 1706. 1 p. [C.O. 5, 1315. No. 33; and 5, 1362. pp. 66, 67.]

Aug. 29.
Virginia.

477. President and Council of Virginia to the Council of Trade and Plantations. The price of tobacco being of late so strangely sunk in many places of this Country, that the Planters, not being able to live by it, have betaken themselves to the manufactures of flax and cotton and wool, which we apprehend will prove very detrimental to H.M. in her Revenues, and to the trade of England, Upon mature deliberation, we have judged it necessary humbly to offer to your Lordps. our thoughts for the preservation and improvement of both, for H.M. and the Country's service. The great fall of that commodity here is occasioned by the bad returns the Adventurer has for it when he sends it for England, and the lowness of the market there is occasioned partly by the necessity of the war, which stop up many of the usual markets and Ports, and partly by the divisions amongst the English merchants trading in tobacco, who by their disunited councils and interests cannot contribute so effectually to the support and management of it as if there were a better understanding amongst themselves, and a more unanimous concurrence for the general good. As to the war, we are sensible that we must patiently wait for the blessing of peace to open the trade in the several ports and markets where it is at present shut up. But for the other no less dangerous inconveniency we are humbly of opinion that if, instead of the many Runners and Letters of marq-men, and little scattering Fleets with weak convoys continually disturbing the market at home with unseasonable new supplies before the old are half spent, and starving the Planter here with small quantities of goods, sold at exorbitant and excessive rates, there were but one good Fleet in a year with an able Convoy ordered to sail from England yearly about the moneth of September, and to return from Virginia before the last of April following (at which time the latest tobacco may be ready) and before the sickness seizes their men, and the worm eats their ships, this method would be attended with abundance of good consequences for the benefite

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of the Trade. Time would be allowed for the consumption of one year's crop before the markets were troubled with another, and the plenty of ships and goods in this country at one time would make tobacco to be more in demand and goods more plentiful and vendible at more reasonable rates, and the carriage more safe and secure before the winter, which season proves commonly fatal to the Fleets, and impossible to keep Convoy in. All which we humbly conceive, and in great measure know from experience would have a good influence on the Trade and H.M. Revenues arising thereby. And therefore we humbly pray your Lordships' assistance etc. *Signed and endorsed as preceding.* 2 pp. [C.O. 5, 1315. No. 34; and 5, 1362. pp. 67-69.]

Aug. 30.

478. President and Council of Virginia to the Council of Trade and Plantations. *Refer to letter of Aug 29.* We now lay before your Lordps. an account of such material transactions as we conceive necessary, together with the public papers and Journals of Council and Assembly. Your Lorps. will herewith receive the whole body of Laws passed in this Assembly. This has been a work of much labour and charge, and we hope is now brought to a good effect. We shall not here trouble your Lordps. with particular observations on them, since we have in the Council Journal made Remarks upon the most material, and given our reasons to his late Excellency why we thought them fitt to receive his assent. There were some other laws intended by the Assembly to have made a part of this Body, which your Lordps. will perceive by the Journal H.E. did not think fitt to pass, as namely, the Bill *for establishing the County Courts*. The reason H.E. was pleased to signify to us for refusing of this Bill was, that your Lordps. had struck out these words (*by advice and consent of at least 5 of the Council*) which the Assembly had altered into (*the advice of the Council or 5 of them at the least*) but would not altogether depart from, and therefore he designed to wait for your Lordps.' further directions whether he should pass it or not, if offered in another Session of Assembly, being a Bill of great consequence to the Country. The next is a Bill *repealing a clause in the Act of Indemnity* made after Bacon's rebellion, on which H.E. was pleased to acquaint us, that if your Lordps. thought it convenient for H.M. service, he had no particular objection agt. it on his own part. There was a third Bill *for the liberty of the subject*, upon which your Lordps. having noted that it was not to be passed, the Council were of opinion it was not safe for H.E. to pass it, tho' as Upper House of Assembly they had concurred to the Bill. Upon this head of the laws, we beg leave to answer a paragraph of your Lordps.' letter, March 1 last, in relation to the diminishing the allowance to the Masters of ships out of the 2s. per hogshead, which came to hand since the prorogation of the Assembly. When H.E. gave your Lordps. an account of that abatement, the House of Burgesses had reduced it to 5 p.c., wch. we thought was indeed too small, and would willingly have had it continued as formerly, had we not

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plainly perceived that our endeavors for it with the Burgesses was like to prove unsuccessful, wch. made us propose 1 *p.c.* more, and accordingly obtained it to be passed as it now is, at the allowance of 6 *p.c.* We never apprehended that the augmentation or diminution of this allowance would be any greater or less encouragement for making due entries, tho' that be one reason expressed in the Law; for the Masters being to give account of their lading upon oath, and also lyable to a penalty if they make a false entry, that obligation will have greater influence on their honesty, than any encouragement, since they will always gain more by making a false entry if they can escape with it, than the encouragement of 10 *p.c.* out of the duty. And as for the other service for which the allowance of 10 *p.c.* was given, viz. the paying the dutys of the ship in one entire sum by their own bills of Exchange, we are humbly of opinion that the present allowance of 6 *p.c.* is enough, for it is not now so difficult to procure bills of Exchange in the Country as it was formerly, and Masters of ships do at this time very rarely give their own bills for the dutys, and have very little trouble in the payment thereof. There is another clause in the bill concerning the measuring of ships, in order to the payment of the tunnage, wch. we apprehend will meet with opposition from the Merchants at home, and therefore to obviate anything which may be alledged to your Lordps. on their behalf, we humbly take leave to acquaint your Lordps. that besides the direction the Assembly had in this matter from an Act of Parliament (Wm. III) (which they have literally followed as to ye manner of measuring ships) and the like practice in Barbados, we are well assured that several ships are registred at a much less burthen than they really contain, and some lately have received new Registers for less than their former Registers expressed, which gave great occasion for this manner of ascertaining that Duty. Another thing there is in this Bill which we should not have troubled your Lordps. with, as being really a trifle, had not Coll. Quarry told us in Council that he intended to complain of it. The Burgesses observing that the ascertaining the Council's sallary, wch. had formerly been provided for in a particular Law, was ommitted in the Revisal, did add a clause to that purpose in this Bill, but restrained the payment of this sallary only to such Councelors as now are or hereafter shal be resident within this Colony for the space of 3 years. Coll. Quarry alledges that this was particularly pointed at him, in derogation of H.M. prerogative, who had appointed him of her Council here. Whatever might be the design of the Burgesses in adding this clause, we do assure your Lordps. that we had not the least thoughts of any prejudice to Coll. Quarry, nor do we take the meaning of that restriction to be any other than that the office of one of H.M. Council, which is of the greatest trust in the Government, both as a Judge in the General Court, and as a Member of the Assembly, should be committed to such persons whose residence in the Country for the above-mentioned time hath made them sufficiently acquainted with our Laws, and the small sallary allowed for the usual and constant attenders

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of that service. Your Lordps. will amongst the other Laws receive that for building a house for the Governor, and a fund of 3,000*l.* is appropriated for that use. We hope this testimony of duty and obedience wch. the country have shown to H.M. Royal Commands will be graciously accepted. In the Council Journal your Lordps. will see the proceedings on the disputes that had arisen in relation to the Blackwater land, and the final determination of the last and greatest controversys about that land, so that long before ye arrival of your Lordps.' letter of March 1, directing the continuance of the restriction on that land, all the disputable entrys were finally adjusted and some few patents signed. The House of Burgesses having addressed the late Governor for laying open that, and the land in Pamunky Neck, H.E. was pleased to promise them that he would lay it open accordingly, and had recommended to us to consider of a proper method for the more regular taking entrys, but your Lordps.' letter determined him otherwise, and accordingly we shall not permitt any lands to be taken up or surveyed there, or any more patents to be issued for lands already surveyed on the Blackwater, until your Lordps. shal signify your further directions therein. And now that we have occasion to mention this of the Blackwater land, we humbly offer to your Lordps.' consideration the inclosed account of the manner of taking up and patenting land in this Colony, wch. was the result of a reference made at the last Council before H.E. death, and reported to us at our Meeting yesterday by the Gentlemen to whom it was referred; wherein are offered several reasons for taking off the restriction on the out-lands, as tending to H.M. service, the advancement of the Revenue, and the benefite of this Country. The latter part of your reference to patenting of land, was communicated to us by his late Excellency at the Council before his death. The Governor, after having inspected his Instructions, did declare to us that he did not find among them any other to wch. your Lordps.' letter seemed to refer, but one which contains a proposal of a new method of granting land. We were then, as now, doubtful whether your Lordps.' letter did refer to that Instruction, which was only a proposal of what H.M. judged proper for her services if the circumstances of the Country would admitt it, but was never put in practice, as being inconsistent with our Charter and Laws, and the conditions so impracticable that no man would ever take up lands on those terms, while there is land to be had in the Propriety Governments much more easily. H.E. then declared that he would not sign patents for any lands until your Lordps. should further explain the meaning of that paragraph, and we shall also continue the same resolution, and humbly pray speedy directions in this matter, because the delaying the signing of patents may create uneasiness among the people. It is the misfortune of this country to be bounded to the Southward with a Propriety Government, and those concerned therein are always watching opportunities of extending their bounds, to the prejudice of this H.M. Colony. The bounds of Carolina has for a long time been contested, and some

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endeavours used from time to time to bring that matter to an accomodation, but no progress has yet been made therein. The fresh encroachments made by that Government obliged the Burgesses of the last Assembly to address the late Governor to have the bounds laid out, wch., had he lived, we believe he would have endeavoured to oblige the Governmt. of Carolina to agree to, and to bear their proportion of that charge that must necessarily accrue thereon. All that could be done in the mean time was to write to the Governor of Carolina to prohibite the like encroachments for the future, untill the bounds be settled, *Refer to Council Journal*. We shall only observe that while a restriction continues on H.M. land, and at ye same time the Proprietors have land so near to be taken up on easier terms, they will draw to them many of the Inhabitants of this Colony, who would otherwise be rather desirous to take land of H.M. This Country was under a very great consternation upon the news of the French Fleet, and the ravages committed by them in the West Indies. We do not think an enemy would ever attempt this Country for any benefite that might be hop'd from the spoil of it, but our Fleet of mercht. ships having at that time so considerable a concern to the Crown and the trade of England, and so much of the estates of the Inhabitants on board, we could not but be under very great apprehensions, when we considered how much they were exposed to danger. H.E. took ye best methods he could to prevent surprize, but your Lordps. will perceive by the Representations of the Masters of ships (*Council Journal*), how little he was able to prevail with them; and the case will still be ye same while they are at liberty to ride where they please. We shal not presume to offer our opinion upon the Fortifications proposed by H.E. for the defence of the ships, because we are assured of the sincerity of his intentions and that he was a much better judge than we of the expediency and use of them; and shall only acquaint your Lordps. that the House of Burgesses, having given their opinion of the inability of the Country to build such Forts, and concluded that they hoped H.M. who had been so gracious to her other Plantations as to apply to that use her whole Revenue of Quit-rents, would also consider this country in that particular, H.E. thereupon promised that he would represent it to H.M. (*Assembly Journal*). We therefore humbly submit it to your Lordps.' consideration. In the *Council Journal* your Lordps. will observe that there is a dispute depending with the Proprietors of the Northern Neck, who pretend to a neck of land lying in the forks of Rappahannock, their grant giving them a tittle to ye utmost banks of that River. A survey is to be made of the two branches thereof in order to discover wch. may be properly called the Main River, and as soon as a report thereof is made, we shal humbly offer to your Lordps. what we conceive necessary for H.M. service thereupon. We send a copy of the examinations of several witnesses upon oath in relation to one Capt. Pitton, Master of the *Factor* of Biddiford, who being accused and seized by Capt. Lowin of H.M.S. *Advice* for piracy, in taking out of a vessel belonging

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to Dantzick some casks of wine, these examinations were taken in order to have brought him to tryal pursuant to the Act for *suppression of Piracy*, but nothing being made out to ground the said trial, he was discharged. This Pitton has a letter of marque and is under bond in England to answer what he shal act by vertue thereof, and is in all other respects a fair and legal Trader, his owner being a considerable merchant in Biddiford. If on this occasion we have committed any mistakes or omitted any thing wch. we ought to have communicated, we humbly hope your Lordps. will impute it to our trouble and concern on this sad and unexpected accident and the hurry we are in upon the departure of this Fleet so suddenly thereafter, etc. *Signed and endorsed as preceding. 7 pp. Enclosed,*

478. i. An account of the method of taking up and patenting land in Virginia, with reasons for the continuance thereof. *Quote* Charter of Charles II etc. 50 acres of land to be granted to every settler etc. Thus the method continued till 1699, and then several persons having rights to lands in Pamunky-Neck and on ye South side of the Blackwater Swamp, who could not well procure legal rights for patenting thereof, and the Treasury of the Country for support of the Government being very low, a method was established of selling those rights at a certain rate for money to be paid to the Receiver of the Revenues for the use of the Crown, to witt, that whosoever would pay 5s., should have the same right to take up 50 acres that he might otherwise have had for the importation of any person into this Colony. But the method of granting lands for importation was never pretended to be taken away but still continues. And at the last session of Assembly, it being observed that that addition to the Revenue of selling rights had been a good help to it, it was thought convenient to limit the taking up land for importation as much as well could be, and to establish the aforementioned method of selling of Rights by Act of Assembly, and thereupon in the Act for settling the titles of lands etc., that matter is settled in such a manner as will be considerably beneficial to ye Crown. When any person had a right to take up and patent any land, the usual way was for him to make the discovery of some ungranted lands, and then to go to ye Surveyor of the County where it lay and make an entry thereof and of his rights for it, and thereupon ye Surveyor laid it out for him, and returned a survey of it with the rights to ye Secretary's Office, upon which a patent was prepared, and signed by the Governor with the advice and consent of the Council, and ye seal of the Colony was then put to it, wch. made the Grant perfect. And if several persons made entrys for lands in ye same place, the first entry (being legally made) was preferred according to ye number of rights, and if there was any

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more land, the other entrys in order, according to their number of rights respectively were satisfied as far as the land would go, so that the bigness of the entry was limited by the number of rights entred. It has been objected (1) that the people are already too much disperst, and it would be better if they were collected within a narrower compass ; (2) that it may administer occasion of disputes with the Indians ; (3) that entrys have been made by some persons for very great quantitys of land, wch. they cannot possibly seat and plant as they ought (in reason) to do. But the answers will be obvious. (1) It is a matter of the greatest difficulty to restrain and collect our people into a narrower compass of ground, or even to contain them where they are, for as the country grows more numerous the poorer sort of people will always be desirous to settle further out for the conveniencys of new settlements, as great plenty of game, good range for their stocks, and ye choice of the best of the land to work upon, and daily experience tells us, that if they are restrained here, they will leave the country and go to other places, where they may be indulged in all the priviledges of this nature they can desire. (2) There can be no disputes or controversys with the Indians, for we have no Indians near us but our Tributarys, and they have lands laid out and assured to them by Law, according to ye Articles of Peace made with them. (3) The late Law *for settling ye Titles to lands* doth lay sufficient restraints to prevent any persons taking up too great quantitys for the future ; and for the entrys already made by persons who have not obtained patents, there are not any of them extraordinary. It has indeed been said that on ye South side of the Blackwater and upon Nottoway River, there are very extravagant entrys made, and the lands in those parts not being very well discovered at ye time of making these entrys, it is likely that ye bounds of some of these lands entered for, may be so imperfectly sett down as to give colour for this objection : but if enquiry be made into ye number of rights entered, wch. must always limit ye quantity, it cannot be made appear that there is any one entry in those parts for 3,000 acres in any one tract, or that any of the entrys that have been made for land in those parts since 1700 have amounted to more than that quantity (except one tract of about 4,500 acres, wch. is already patented and seated), tho' it cannot be denied that some few greater entrys were made before that time. Nor is the patenting of great quantitys of land so great a prejudice to ye Crown or the Country as it has been represented, for it is evident that no great tracts can be taken up, but that a considerable quantity of very bad and useless ground

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will be within that bounds: and if ye taking up of land were solely restrained to small quantitys, people would pick out the best, and leave the interjacent poor land altogether wast, wch. now yields ye same Quit-rents to H.M., tho' perhaps it affords no other benefite to the possessor, or ever will, except only a larger range for his stock.

For the continuance of the established method, it is humbly offered (1) That several people have rights to land by the importation of persons into ye Country according to Law and the Charter. (2) Since the establishment of the method of selling rights for money, several people have expended their moneys to purchase such rights, and now the Government hath received their moneys, to deny them their proportion of land would be to defraud them *etc.* (3) If people cannot have land here upon reasonable terms, they can easily remove into other Countrys where their labour is not so beneficial to ye Crown, and where all possible encouragement is given them in this particular. This we see verified by daily experience in the great numbers of people that have removed lately and are now just upon ye remove into Carolina. (4) H.M. Revenues will be considerably improved both by the money arising upon ye sale of rights, and by the Quitt-rents for the lands after they are patented. (5) Entrys have been made for several parcels of land on ye South side of the Blackwater and upon Nottoway River, and some persons have had their lands surveyed and obtained patents for them, but others that had ye same equitable pretensions have not yet had such surveys and patents, and it seems unequal not to grant ye same liberty to those persons that had ye same right. (6) As to ye lands on ye South side of Nattoway River and on Maherin River, where the bounds of the Countrys are not settled, we see that ye Government of Carolina have already taken upon them to dispose of those lands as their own, and people are now seating there by vertue of those rights, the necessary consequence whereof seems to be that it will create a controversy with that Government and at last perhaps it will be found expedient rather to confirme those lands to the possessors than to drive so many familys as will be seated there from their habitations, and thereby H.M. will lose the money that would arise by ye sale of the rights for taking up those lands, and by the quitt-rents that would be due for them in ye meantime: and in ye end it will (most probably) be ye occasion of much trouble and charge in settling the bounds between these Countrys. All which inconveniencys may now be happily prevented by permitting these lands to be taken up according to ye legal establishment, for people

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would willingly take grants under this Government, if they might have them. A true copy, *Signed*, Wil. Robertson, Cl. Con. *Endorsed*, Recd. Nov. 20, 1706. $3\frac{3}{4}$ large pp.

478. ii. Depositions of Saml. Selden, gent., Henry Linton, tobacconist, and several of the crew, taken before the Commissioners for tryal of Pirates upon a complaint against Thomas Pitton, Master of ye *Factor* of Biddiford, exhibited by Capt. John Lowin, H.M.S. *Advice*. The Captain overhauled a hoy from Danzic on his voyage out, and took therefrom several casks of wine, for which some say he paid. *Endorsed as preceding*. $7\frac{1}{2}$ pp.
478. iii. Copy of an Act of Virginia for establishing County Courts, etc. 1705. *Endorsed as preceding*. $18\frac{1}{2}$ large pp.

478. iv. Copy of an Act of Virginia repealing part of an Act of 1680, of free and general pardon, etc. *Endorsed as preceding*. $1\frac{3}{4}$ pp.

478. v. List of Patents for lands signed in April, 1706 :—

County.	Acres.	Granted to
Surrey	1,000	Francis Clements.
"	50	Joseph Proctor.
"	580	Wm. Cocke.
"	150	Tho. Bentley.
"	1,000	Benja. Harrison.
"	180	Tho. King.
"	150	Wm. Rhodes.
"	200	Nicho. Smith.
Prince George ..	16	Richd. Bland.
"	43	Richd. Bland.
Essex	171	Edwd. Barrow.
"	1,234	Gavin Corbin.
"	65	Tho. Merriweather.
"	103 $\frac{1}{2}$	John Harper.
"	100	John Harper.
Eliza. City ..	1 $\frac{1}{2}$	Robert Taylor.
"	274	Wm. Mallory.
New Kent.. ..	1,900	Dudley Digges.
"	850	Roger Thomson.
Henrico	1,468	Charles Evans.
"	570	Richard Cocke, jr.
Princess Anne ..	447	John Carraway, senr.
"	176	Thomas Wiles.
Norfolk	150	William Maund.
"	45	Thomas Cherry.
King and Queen ..	211	Jane King.
"	1,245	John Major.
Accomack . . .	500	Tully Robinson.
Gloucester . . .	335	George Billops.
Nanzemond ..	250	Wm. Parker.
Isle of Wight ..	380	Nicho. Fulgham [<i>Fol-jambe ?</i>]

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<i>County.</i>	<i>Acres.</i>	<i>Granted to</i>
Northampton ..	330	Tho. Smith.
King and Queen ..	546	John Hurt.
James City ..	130	Nazth. Whitehead.
King William ..	107	Orlando Jones.
Prince Geo. ..	351	Robert Munford.
„ ..	405	John Anderson and Robt. Munford.
„ ..	1,973	Col. Robt. Bolling, senr.
Esher ..	145	Thomas Corbin.
King William ..	1,091	John Kimbro.
Henrico ..	190	John Worsham.
Eliza. City ..	120	Robt. Beverly.
King and Queen ..	2,763	Col. James Taylor.
Henrico ..	5,644	Richd. Bland.
New Kent.. ..	300	David Holt, minor.
Prince Geo. ..	4,583	Benj. Harrison, jr.

These lands were surveyed by,—Arthur Allen, Robt. Bolling, Cha. Smith, Wm. Lowrey, Lemll. Newton, Edwd. Scarburgh, Richd. Whitehead, Robt. Bolling, jr., Harry Beverly, Richd. Liggon. Dates given. Endorsed as preceding. 2 pp.

478. vi.-xii. Proclamations by Governor Nott. (1) Continuing officers, Aug. 15, 1705; (2) dissolving the Assembly, Aug. 16, 1705; (3, 4) publishing the Acts of Parliament prohibiting trade and to prevent traitorous correspondence with France, and for encouraging Naval Stores, Nov. 28, 1705; (5) for the better securing of shipping, upon news of the attack upon Nevis *etc.*, May 10, 1706; (6) for a Generall Thanksgiving on April 23, for Marlborough's victory in the Spanish Netherlands, Feb. 27, 1705; (7) proroguing the Assembly till April 23, Aug. 8, 1706. *Signed, Edwd. Nott. Copies. 9 pp.*

478. xiii. Proclamation by the President and Council of Virginia. Continuing officers and magistrates, upon the death of Governor Nott, Aug. 27, 1706. *Signed, E. Jennings, President, and by 7 other Councillors. Endorsed, Recd. Nov. 20, 1706. Copy. Torn. 1 p. [C.O. 5, 1315. Nos. 35, 35.i.-xiii.; and (without enclosures) 5, 1362. pp. 70-81.]*

Aug. 30.
Whitehall.

479. Council of Trade and Plantations to Governor Sir B. Granville. *Acknowledge* letters of April 7, and June 28. We observe what you write in relation to the attempt of the French upon the Leeward Islands, and have laid the same before H.M., and also the petition of the Council and Assembly to yourself enclosed in your last letter, and shall immediately inform you of H.M. gracious directions thereon. We observe what you write about Mr. Allen *etc.* We find that there are at present 11 Counsellors in Barbadoes; and that we may have a more perfect account, we send you a copy of the said List, as also

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the names of those that stand upon our List for filling up^o of vacancies, that you may let us have your particular observations as to their age, abilities and estates. [*C.O.* 29, 10. *pp.* 86, 87.]

Aug. 30. **480.** Council of Trade and Plantations to Lt. Governor
Whitehall. Bennett. Since our letter of May 30 last, we have received yours of Oct. 31, March 9 and 11. As to the sending home of Lieut. Henley, we suppose the meaning of Mr. Secretary Hedges' order was that you send him by the first convenient opportunity. The three persons you recommended to us have, upon our representation, been constituted Counsellors accordingly, and we doubt not but the order has already been sent you by your Agent; however, we transmit to you a copy. No application hath been made to us in the behalf of Dr. Star, and if any do come we shall not fail to give you notice thereof; in the meantime we send you, according to your desire, the copies of two letters we have received from Mr. Jones and Mr. Nelson, unto which we desire your answer. [*C.O.* 38, 6. *pp.* 220, 221.]

Aug. 30. **481.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. In reply to Aug. 24. We have discoursed with Mr. Cary, and do think it fit for H.M. service that the Principal Officers of the Ordnance, as being best acquainted with those matters, do confer with him, and settle what may be fit for H.M. service upon this occasion. [*C.O.* 153, 9. *p.* 389.] *Autograph signatures.* 1 *p.* *Enclosed,*
481. i. Duplicate of No. 471.i. [*C.O.* 7, 1. Nos. 13, 13.i.; and (without enclosure) 153, 9. *p.* 389.]

Aug. 30. **482.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. *Enclose* copy of petition from the Council and Assembly of Barbadoes, which you will please to lay before H.M., with our observations for H.M. Directions thereupon. As to the first particular relating to the sugar made by the Dutch in the East Indies; We have reason to hope that this new trade cannot long subsist, the Dutch being upon ye whole looser thereby, who tho' they have lately made some proffit by this sugar from Java, do however neglect a more certain and profitable trade, which will oblige them to desist from that of the sugar. And whereas the Petitioners desire upon this consideration that they may have an abatement of the duties upon their sugar here; We humbly take notice that such an abatemt. would, if necessary, be a matter proper only for the Parliament. As to the number of the Regular Forces desired by the Petitioners; We cannot determine how far H.M. may at present gratify them therein, with regard to the further attempts that the French may make upon H.M. Islands in those parts. And as to the application of the 4½ *p.c.*, we likewise observe that from H.M. first accession to the Crown, H.M. has been pleased upon the Address of the House of Commons, consistantly to apply the whole Duty of 4½ *p.c.* arising in the Charibbee Islands

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to the use of Barbadoes and the Leeward Islands in a due proportion. *Autograph Signatures.* 2 pp. *Enclosed,*

482. i. Address of the Council and Assembly of Barbados to Governor Sir B. Granville. *Duplicate of No. 383.ii.* 4 pp. [C.O. 28, 38. Nos. 51, 51.i.; and (without enclosure) 29, 10. pp. 88, 89.]

Sept. 1.
Maryland.

483. Col. Quarry to the Council of Trade and Plantations. I did not arrive in Virginia till July 28. I lost no time in paying my duty to H.E. Governor Nott, who was pleased to receive me very kindly. I deliver'd him the Queen's letter, your Lordships' packet, and put him in mind that there was an absolute necessity of hastening away the fleet, considering the time of year. He was pleas'd immediatly to summon the Council to meet, wch. could not be done in less then 9 days, the first thing done was to resolve on the proper time for the fleet saying, wch. was resolv'd to be Sept. 1, whither the *Greenwich* arriv'd or not, and accordingly notice was given to all the Masters of ships in that Government, and an express sent away to Maryland, that all the ships in that Government might have notice to be ready at the time appointed. The next business was the Council's assigning reasons for their advising the Governor to allow of severall alterations in some bills that had been sent to yr. Lordships, and had your approbation. I have not time at present to goe thro' the alteration in the severall Acts, but will give your Lordships some few instances; they have past a new Act for settling the revenue, under pretence that this is more for the Queen's benefit, than the former Act past in my Lord Culpeper's Government. The advantage they pretend lyes under these two or three heads, first on the duty of tunnage on the ships. By the former Act this duty was paid according to the tunnage mention'd in their respective registers, but this new Act obliges all ships to pay according to the utmost measure by the rule, wch. will be a great burden and clogg to Trade, especially considering how very much trade is already loaden in that Government, perhaps beyond any place whatever. The next great improvement of the Queen's Revenue is the taking from the Masters of ships 4 *per cent.* of the 10 *per cent.* allowed them for giving their own bills of Exchange on their owners, for the duty of the 2s. per hhd. and all other the duty of tunnage etc. for their whole lading, and so making themselves answerable for all, when at the same time they are forced to collect this duty in driblets from all the respective freighters, and some times runing the hazard of loosing all, besides anothe end of allowing the 10l. *per ct.* was their making a just and honest report(s) and entry of their lading, but all these considerations are laid aside, if this Act be confirm'd. The other branch of advancing the Queen's revenue is the taking away from the Naval Officers 4l. *per cent.* of their allowance for collecting and receiving. This looks like the dogg in the manger, since the Gentlemen of the Council cannot have those places themselves, they would starve those that have them. But these are the

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least objections I have against the Act, and will not take up your Lordships' time on it, but leave the merchants and those concern'd in Trade to speak for themselves. The Act for settling the revenue on the Crown was past in my Lord Culpeper's Governmt. near 20 years ago, this Act was drawn in England, and past by the Assembly and made a perpetuall Act, if your Lordships please to observe, this Act is past in a different style, better worded then any Act since, wch. was the reason that these topping men were uneasy at it, and waited an opportunity to have it damn'd, wch. they have now brought to bear, for other ways had the Assembly only design'd to have augmented and added to the Queen's revenue, why could they not make an Act for it without damning and destroying the former Act, and that your Lordships may see the snake in the grass, please to observe that the Assembly are pleas'd to appropriat the Queen's revenue as they think fitt, a thing never pretended to before, and to limitt and confine H.M. from disposing of her own mony, your Lordships will find a clause in this Act not so much as mention'd in ye former, for whereas in the former Act, the Queen was graciously pleas'd to appropriate 370*l*. to be divided amongst those of her Councill that gave their attendance at the Assembly and Generall Courts, in this Act they have order'd otherwise, and enacted that no Member of H.M. Councill shall have any part or share of her bounty, tho' they discharge the duty requir'd, unless they have been three years resident in the Province, by wch. they have tyed up the Queen's hands from giving any part of her Bounty but according to their pleasure, when they were reading their reason for severall alterations, I took occasion to ask them why they had not assign'd a reason for that alteration, they told me that they did not know or did not mind that clause, and H.E. was pleas'd to say, that he could not have beleiv'd that such a clause was in the Act, and that if hee had, it should never have passed, and those Gentlemen that drew up the reasons for all the other alterations was resolv'd to pass by this in silence the better to keep the Governor in the dark; I have not time at present to inlarge on this subject, but leave it to your Lordships' consideration. The next thing propos'd was an address from ye Gentlemen of the Councill requesting H.E. that he would please to apply to your Lordships that they might be capable to execute the places of proffit in the Government, on wch. he laid before them the coppys of two Memorialls formerly given in to your Lordships, the one by Mr. Blaire, Coll. Hartwell, and Mr. Edward Chilton, the other by Mr. Benja. Harrison, both containing many reasons against the Councill executing those offices. I told H.E. that I thought Mr. Blaire was obliged to justify the subject matter of the Memoriall wch. he had sign'd, or else to own that he had abused the Government by an unjust representation, all the answer he gave to it was, that what he sign'd was by order or direction from Coll. Nicholson. I desired to know if Coll. Nicholson was the Governor of the Province, he answered Noe. I ask'd who was then Governor, he said it was Sir Edmund Andross, wch. gave me the handle to observe

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to H.E. that it seem'd very strange that Mr. Blaire should take instructions from a person that was noe Governor, to transact and represent the state of the Governmt. ; especiall[y] without the knowledge or approbation of so worthy a man then Governor of the Province, Sir Edmund Andros, but this was all past by, and no further notice taken of those Memorials, wch. obliged me to say that doubtless your Lordships had some end or reason in sending those copys, but they proceeded to sign the Address, without minding it any further, and were pleas'd to desire yt. I would sign wth. them, wch. I refused. The short time the fleet hath to stay, and the hurry of business wch. I have, prevents my representing severall other matters to your Lordships, wch. I must referr to another time, but before I conclude I begg leave to observe to your Lordships that there are severall in this Governmt. who have been for many years endeavouring to have all the power vested in the Councill, in order to effect this, they have by degrees endeavour'd to lessen the prerogative, and to render the Queen's Governor little better than a cypher, and in truth they have in effect gain'd their point, if your Lordships please to consider that they are the sole Judges of law and property wch. makes all depend on them, they have the whole command and regulation of the Militia, formerly they were Collonells of the Regiments in the respective Countys where they liv'd, but now they are made Lord Lieuts. of the Countys, so that now one of these Gentlemen hath the command of three severall countys, it's true they are not called Lord Lieuts., but have all the power, and doe appoint Colonells under them, this new regulation hath made some of the Countys so uneasy that they cannot get officers to serve, the Governor can make no justice or any officer in the Government without their advice, it was a charge against one of the Naval Officers to the Comrs. of the Customs that he was put in by the Governr. without the advice of the Councill, tho' the Governor himself is only answerable for him. H.E. did lately appoint a Gentleman quallify'd by the Law and by the consent of the Councill to be Sheriff of James City County, but one of the topping Justices of that County, because the Gentleman would not make a friend of his Under-Sheriff, refused to lett the Sheriff be sworn in the Court as the law directs, but instead of admitting him was pleas'd to publish a paper on the Court door requiring all the Inhabitants in the County to give in a charge agt. the sd. Sheriff of all they knew against him in the course of his life ; this was to be brought in the next Court, wch. was accordingly done. I then happened to be in the Court to prove a writing wch. I had sign'd in England. I never heard such confusion in all my life, but after all nothing could be proved against the Gentleman of any weight, H.E. the Governor resented this proceeding as an affront to him, and accordingly was pleased to lay it before the Councill, who generally excused the matter, and nothing done ; this topping Justice was a hott man in some of their intrist. There goes now home the greatest fleet that ever went from the tobacco Plantations, near 300 sails of ships, so that unless the merchants concern'd

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in that trade doe unanimously agree on the proper methods for supplying the fforeign markets, they will ruin all ; the quantity that now goes is very great, yet considering the scarcity of tobacco both at home and all our fforeign markets there will be a vent for all and a very good price if the merchants could have but a true understanding amongst themselves and not by their heats and prejudice undermine each other and so ruin the trade and loose the opportunity now offer'd, there is now as great a crop on the ground as ever was known, but should it be sent for before they have sold and vended what goes now in the fleet, they will make a drugg of both, ruin the poor planter and the Trade in generall. I hope your Lordships will take this matter into your consideration. *Signed*, Robt. Quarry. *Endorsed*, Recd. Nov. 26, 1706. Read Feb. 24, 1707. 4½ pp. [C.O. 5, 1315. No. 43 ; and 5, 1362. pp. 101-108.]

Sept. 2.
Williams-
burgh.

484. Mr. Jennings, President of the Council of Virginia, to the Council of Trade and Plantations. The last dispatches and Journals were transmitted your Lordps. by the *Marleborough* gally, and ye transactions since are now by H.M.S. *Greenwich*, by wch. with ye Council I have acquainted your Lordps. with ye death of Coll. Nott, as hee left our unfortunate differences in a great measure reconciled, I hope the present Governmt. will use their utmost endeavours to perfect. My Lords, the present post now fallen on mee, makes mee take the liberty to assure your Lordpps. I shall struggle to prevent what may bee thought a disservice to or infringemt. on H.M. Prerogative, and if anything appear to bee carried on or passed in the Council to the contrary, I beg your Lordps. not to attribute itt to my inclinations or means. The Council's letters to your Lordps., and ye reasons for H.E. passing the laws, gives mee little room to add, *etc.* I shall only observe that the body of the laws are imperfect, for want of the Church, and some few other Bills that were not agreed too. I shou'd have been glad the reasons of ye Council wou'd have bin prevalent with ye Burgesses, but I hope in a proper time they will lay aside prejudice, and bee convinced of the necessity of agreeing to yt. necessary Bill for advanceing ye Church and Clergy ; besides the reasons of ye Council for H.E. not passing the County Court Bill, there being matters of law and proceedings of the Courts which hee was desirous to have advice in, besides a table of fees were not agreed on for all offices. The Burgesses had passed a Bill for appointing some, but diminished the County Clerk's fees soe considerably, that itt would not have bin a maintenance for any young man, and thrust in a clause to take away the greatest part of profit and perquisites the Secretary time out of mind ever enjoyed, and ineroached on the prerogative, wch. caused mee to oppose itt in the House of Burgesses and Council, where I gott itt layd aside ; itt was intentionly levelled att my present advantage for haveing attending your Lordpps. with ye Laws according to comands and my duty. The making the laws take place att the end of the Session hath delayed the course of Justice, for

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want of them ; this was desired to have bin prevented, by giving time before they took place, but this thought prejudicial and unpresidentiall. Your Lordps.' comands abt. seating and granting of land hath occasionned the stopping of Patents, wch. gives uneasyness, and if long continued may great dissatisfaction ; your Lordps.' early resolutions herein will be very acceptable. The Assembly was prorogued by his late Excellency's Proclamation, wch. I presume is now dissolved, but there being some amongst us that doubt itt, I thought fitt to putt the Council in mind of your Lordps.' directions in this case. H.E. Instructions are sealed up and not to bee open'd but on emergent occasion. My Lords, I beg leave to acqt. your Lordps. that on the Death of his late Excellency I imeadiatly dispatched expresses to the Gentlemen of ye Council, and at 11 clock next day five of ye nearest meet, but being not a majority, wee appointed the 27th following, the resolutions and methods for takeing the Governmt. are transmitted ; this being this first Governor that has dyed in Virginia, by wch. ye care of ye Governmt. is devolved on the Council, doubts did arise about ye power of ye Presidt., and how proclamations should issue ; itt was ruled according to the minutes, in wch I desired to bee passive and waite your Lordps.' comands, wch. I shall always punctually observe. I can conclude with assurance to your Lordps. that the country is in peace and quietness and have noe doubt but will soe continue. My indeavours shall bee to discharge this honble. post for H.M. interest and service, yt. I may deservedly merritt the continuence of your Lordps.' favour to, *Signed*, E. Jenings. *Endorsed*, Recd. 20th, Read 26th, 1706. *Holograph*. 3 pp. [C.O. 5, 1315. No. 36 ; and 5, 1362. pp. 82-84.]

Sept. 2.
Williams-
burgh.

485. Mr. Jenings to Mr. Popple, jr. *Acknowledges letters and repeats part of preceding. Encloses* defaced seal. Mirtle wax was not to be had the last year. I hope to gett some this fall. Byrds are difficult to bee gott or kept alive. I have had many nursed but could not keep ; I hope to send you some squirrells, but can't procure them, but pray inquire of Mr. Corbin, if any sent, hee will deliver them, etc. *Signed*, E. Jenings. *Endorsed as preceding. Holograph*. 1½ pp. *Enclosed*,

485. i. Copy of Act of Virginia *prescribing the method of appointing County Court Clerkes, and for ascertaining the fees of the Secretary, County Court Clerks, Sheriffs and Constables. Endorsed as preceding*. 13½ pp. [C.O. 5, 1315. Nos. 37, 37.i. ; and (without enclosure) 5, 1362. pp. 84-86.]

Sept. 3.
Whitehall.

486. Mr. Secretary Hedges to Governor Sir B. Granville. Since my last the Confederate Troops in the Netherlands have taken Menin, a town tho small yet esteemed to be one of the strongest in Europe, and we have an account by the way of Ostende that the Duke of Marlborough has also possest himself of Dendennonde, that place having capitulated the 5th instant n.s., of which we expect the confirmation by the

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next letters from Holland, whence there are two mailles due. All the Forces the French could draw together on that side with the Duke of Vandome at their head, who was sent for from Italy to command them as being the best of their Generalls, have not been able to give the least hinderance to the Duke of Marlborough's progresses. We have not yet reaped all the fruit wee expected from our successes in Spain, the Duke of Anjou having been encouraged by the absence of the Catholick King and the weakness of the Portuguese army to return into Castile, but we have now received advices of his Catholick Majesty's and the Earl of Peterborow's having joyned the Earl of Gallway with considerable reinforcements, and such measures are taken as we have no reason to doubt will soon reduce that whole Kingdome to the obedience of its lawfull Sovereign. It is hoped his subjects in America will of themselves declare for him, and care will be taken to give them all necessary protection and assistance, which you will take all opportunities to lett them know. In Italy, the only place whence the enemy possibly might have drawn succours to maintain themselves in the possession of the Spanish Monarchy, the Duke of Savoy's extraordinary resolution and firm adherence to the common cause have given their troops full employment, and Turin after a long and most vigorous resistance has in all probability been rescued before this time by Prince Eugene, there being advices of his having gained Stradella, the only difficult pass in his way to Piedmont. I must not omitt to tell you that Carthagea has declared for the King of Spain, and that Alicant is taken by storm. *Signed, C. Hedges.*

The like letter was sent to the following Governors: Lord Cornbury, Col. Dudley, Col. Seymour, Col. Nott, Col. Handasyd, Col. Parke, with the following additions to Col. Parke:—The 5 French prizes laden with provisions of which I gave you notice in mine of July 4, that were brought into Ireland, and were ordered thence to Nevis and St. Christophers for relief of the poor sufferers there, have been detained by contrary winds, but will putt to sea as soon as the wind permitts. A supply of Ordnance and Stores is to be sent to those Islands from hence, which is already embarked, as a reinforcement of 300 men that are likewise ordered thither, will be very speedily, and they are to be furnisht with provisions for 4 months at whole allowance. The Admiralty have promised a convoy for these supplies, which will be sent you as soon as possible, but before they can arrive, I hope you will see a squadron of H.M. ships in your parts, which is ordered to touch at the Leeward Islands, and leave there what Ordnance and Stores can be spared from on board the ships. I enclose a duplicate of my last, and can only add that it is thought here that Nevis having most suffered, will require your residence in that place, in order to resettle and encourage those people. *Signed, C. Hedges. [C.O. 324, 30. pp. 106–108.]*

Sept. 5. **487.** Mr. Sec. Hedges to the Council of Trade and Plantations. *Requests* that copy of Lord Baltimore's Charter be sent Whitehall.

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to the Attorney General. *Signed*, C. Hedges. *Endorsed*, Recd. Read Sept. 17, 1706. 1 p. [C.O. 5, 716. No. 16; and 5, 726. pp. 393, 394.]

Sept. 10.
New York.

488. Governor Lord Cornbury to the Council of Trade and Plantations. In your Lordships' letter of Feb. 4, 170⁵, you are pleased to direct me to re-admit Mr. Morris into the Council upon his submission, I assure your Lordships that he shall noe sooner doe the one, but I will doe the other, and I shall be very well satisfied if the Gentlemen who have answered for his behaviour to your Lordships doe not find themselves mistaken; I return you thanks for the confirmation of the three Gentlemen I recomended to be of the Council of New Jersey; as to what relates to Mr. Peter Sonmans, I must acquaint you that he has been here some time, and I have not observed anything in him yet but is very well, he is dilligent and zealous in promoting the Proprietors' interest, but has always done it with that respect to H.M. that became him, and indeed I look upon him to be a very fit person to serve in Council, there is now living for the Western Division Mr. Jennings, Mr. Revell, Mr. Davenport, Mr. Deacon and Mr. Leeds, for the Eastern Division Capt. Andrew Bowne, Mr. Pinhorne and Mr. Sandford, besides Coll. Quarry, and H.M. having been pleased to add Coll. Coxe, Coll. Townley and Mr. Mompesson, and your Lordships having directed me to restore Mr. Morriss upon his submission there will be no vacancy yet, but Mr. Revell, Mr. Davenport and Capt. Bowne are all three dangerously ill at this time, and I am afraid of an incurable disease, I mean old age, besides other distempers. I send you inclosed the names of 12 persons, which I think are the fittest to serve in Council, as others drop off. I have perused Mr. Attorney Generall Northey's opinion, and will take care that it be observed; As for what your Lordships observe concerning the Acts of Assembly passed in 1704, I will endeavour to get those alterations you desire made at the next Sessions, which is to begin at Amboy on Oct. 24 next; your Lordships are pleased to say that a complaint has been made to you that the elections for the last Assembly were made in such haste that there was not due and timely notice, if soe the fault may lie among the Sheriffs, for I have always directed the Secretary to take care that there be at least 40 days allowed between the Teste, and the return of the writt. Your Lordships likewise mention a complaint made that three Members were kept out of the Assembly, etc. *Refers for answer to letter of Nov. 27, 1705.* You will find, that as soon as they removed the objections, they were admitted. As for the complaint made by the Proprietors of the Western Division, I have this to say, that at my first taking possession of the Government of the Province of New Jersey, severall persons complained to me that the Agent for the Proprietors very often refused to let them see the Records where their Patents were recorded, and that they had great reason to believe that their Patents were not fairly recorded, and desired that the Records might be

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lodged in the Secretary's Office, where they might have recourse to them at all times, which I ordered accordingly, but since your Lordships are of opinion that they ought to be restored to the Proprietors' Agents, I will take care that it shall be done forthwith. As for the Records of deeds and conveyances being carry'd out of the Province, I know nothing of it, nor doe I believe it has been done. The next complaint your Lordships mention to have been made to you is that I have put into the Commission of the Peace severall mean and contemptible persons, peticularly one Salter, whom (they say) I know was under prosecution for felony, and that I have granted Commissions in the Millitia to other persons who have no estates in the Province; to this I answer that I have not put one man into the Commission of the Peace in the Province of New Jersey but such as have been recommended to me by one or more of the Gentlemen of H.M. Councill for that Province; as for Salter, he was recommended to me by Capt. Bowne, and I doe solemnly protest I never heard that he was under any prosecution at all till I received your letter, and since that time I have made the strickest inquiry I can about that matter, and I doe find that severall years agoe there was one Salter that was under prosecution in England, for some crime, but what that crime was I can't learn, but it is positively affirmed to me that this is not that man, and realy if he were that man, it would be a pretty extraordinary thing that the Country should choose such a man to be one of their Representatives in Generall Assembly, for he is actually soe now in this Assembly, and I protest I never yet saw anything ill in the man; As for the Millitia Officers, I have always chosen them by the recommendation of the Gentlemen of the Councill, or the Field-Officers of the respective Regiments, and by the best inquiry that I can make, I can't find that there are such scandalous persons in Commission, whenever anybody will inform me of such persons, I shall soon remove them; your Lordships shall have fair transcripts of all the Minutes of Councill and Assembly with the first opportunity. I have received the new Seale etc. *P.S.*—Since I finished this letter some of the Gentlemen of New Jersey have desired me not to send any list till the meeting at Amboy, which will be very shortly, I find they have a mind to recommend some persons, therefore I intreat your Lordships will not be displeased that I doe not now send the list which I had prepared. *Signed, Cornbury. Endorsed, Recd. from Mr. Sloper, Nov. 28, Read Dec. 6, 1706. Holograph. 3 pp. [C.O. 5, 970. No. 42; and 5, 994. A. pp. 284–289.]*

Sept. 13.
St. Johns in
Newfoundland.

489. Major Lloyd to [*? Mr. Secretary Hedges*]. *Acknowledges* letter of June 6. By ye man of war yt. will convey ye shipsps for England shall give a satisfactory acct. of ye false accusations of my enemies, which they have in a great measure got to be credited by stopping all my letters last year. *Prays* that a stop be put to any payment to Lt. Moody, until the accounts to be sent this year arrive. By my sending of continuall parties out, ye French have not been able to doe us any injury.

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About 9 dayes since, I with 30 soldiers pursued a party of French of 21, who had plundered several inhabitants of Trinity Bay and carried ye same to a place called Comby Chance in Plasintia Bay, where I overtook them, some I killed, tooke 7 of them prisoners, as also several boats, goods *etc.* considerable, weh. I returned to ye inhabitants from whom they were taken. *Signed*, Tho. Lloyd. *Endorsed*, R. Oct. 13. 1 p. [C.O. 194, 22. No. 69.]

Sept. 14.
Newport.

490. Governor and Company of Rhode Island to the Council of Trade and Plantations. In obedience to H.M. commands, Dec. 18, 1705, relating to the petition and complaint of one Andrew Harris, Thomas Field and Nathaniel Waterman of Patuxet in New England *etc.*, we have sent our answer, with the copies of what we find upon record relating the same, to our Agent, Wm. Wharton, by him to be communicated to your Lordships, by which we doubt not but your Lordships will be made sensible that the Government had done their duty according to the command they received, and that the petitioners had no ground of complaint against the Government. We therefore pray a favourable report from your Lordships to Our gracious Majesty the Queen, and her most noble and learned Council, relating the same; and that you will be pleased to admit our said Agent to make such further answer and plea, in behalf of the Colony and Government, as he shal or may see occasion, according to his Instructions, also praying your Lordships' further favour in all cases that may relate this Government, and that you will extend your charity towards us, so far as to believe we are H.M. loyal and faithful subjects, and that we are not so contemptible and remiss as our adversaries have endeavoured to render us, and we fear doth still endeavour to do; but we doubt not but God Almighty in his good time will discover their unjust and prejudicial designs against us. And as we are in duty bound (as well as to prevent the designs of our adversaries in their misrepresentations) shal presume to advise your Lordships of the state and affairs of the Government this present summer, which through the mercy and blessing of God hath been hitherto preserved from the assaults of the common ennemy, altho we have not been without fear and apprehension of danger, especially from the French fleet and forces that sacked and plundered St. Christophers and Nevis, the General or Admiral of said Fleet giving out threatnings against these parts, so that we have been and are still upon our watch and guard, and have cast up and raised several breast works, and batteries about the town of Newport (the metropolis of this H.M. Colony) in order to prevent the enemy from landing near said town, we having the greater advantage, if they should land at a distance, to annoy them, and defend our selves; we have been also this summer as well as the last obliged to maintain a quota of men at Block Island, for the defence of said Island and security of H.M. interest there, besides the continual wards and watches kept upon the sea coast of this Colony, and the Inland scouts, is no smal charge

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to the same, and our often fitting and sending out vessels upon the discovery, and to secure the coast, according to our strength and abilities, hath done good service for the adjacent Provinces and Colonies, as well as for this H.M. Colony. And the readiness and willingness of our people, upon any expedition for H.M. service, cannot but be acknowledged by the greatest of our adversaries. We shal only instance to your Lordships one, which hapned about two months since, vizt., an express being sent to the Governor, that a French privateer had taken a trading sloop, laden with provisions, upon the coast (the evening before the express came) the Governor immediately caused Proclamation to be made for volontiers (as our custom is in such cases) to go against H.M. enemies, and in two hours time had two sloops (which he had taken up for said service) fitted and man'd with 120 men, who within three hours after, upon the coast of Block Island, made themselves masters of said French privateer and the prize she had taken, and brought them into this Port. The privateer was from Petit Guaves, a sloop man'd with 40 men; the which expedition gave a general satisfaction to the whole country, by reason of the suddenness thereof; and that said privateer was going off with his prize to Port Royal, where they were in great want of provisions. We do not boast or value our selves upon what we have done (acknowledging it our duty at all times to serve H.M. to the utmost of our strength and abilities) but that H.M. and your Lordships may be rightly informed of our state, and to prevent fals reports, therefore do we presume to give your Lordships the trouble of the aforesaid accounts. This Colony hath been and is at considerable charge in maintaining and keeping of prisoners that hath been taken and brought into the same, the charge of keeping the late prisoners hath already stood the Colony in near 100*l.*, all which we presume to lay before your Lordships for the reasons aforesaid, and that H.M. and your Lordships may know that our adversaries hath asperst us with gross and false representations. We congratulate H.M. in her great and glorious enterprizes, and success of her victorious arms (in conjunction with her Allies) against the common enemy, and supplicate His divine Majesty the King of Kings, that he will still continue his protecting arm, and make her arms still more victorious, and that her fame and renown for the honour and glory of the Nations may extend to the utmost corners of the Earth; we also pray for H.M. health, and that it will please God to grant her a long and glorious reign over us; and that when it shall please the Almighty to call her from her Earthly Crown, that he will crown her with a Crown of Righteousness and everlasting glory. We also pray for your Lordships' health and prosperity, and that it may please God to add to your great wisdoms and understandings, so as you may discern between the just and unjust, and between the faithful and unfaithful. We subscribe H.M. loyal and faithful (tho poor and despised) subjects, and your Lordships' humble and obedient servants, the Governor and Company of H.M. Colony of Rhode Island and Providence Plantations in New England. *Signed,*

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per Order, Weston Clarke, Secretary. *Endorsed*, Recd. 5th, Read 28th Feb., 1707. 2 pp. [C.O. 5, 1263. No. 140; and 5, 1291. pp. 446-451.]

Sept. 15.
Antegua.

491. [? Governor Parke] to the Council of Trade and Plantations. This comes by the way of Barbadoes, onely to inform your Lordships of the unfortunate death of Col. Johnson the Lt. Governor of Nevis. The day the last packett sayled, was the day of rejoicing at St. Christophers for the Duke's victory at Rammalis; the packett had not been dispatch'd two hours before Col. Johnson was kill'd by Mr. Pogson, one of the Councill; the manner of it is differently reported, therefore must refer that part till after the tryall, when the witnesses are upon their oathes; 'twas an old quarrell. This I may say, Col. Johnson dyed Col. Codrington's martyr; Mr. Pogson, it seems, is the man yt. kept possession of a Plantation in St. Kitts for Mr. Freeman, which Col. Codrington cou'd not persuade him to quitt therefore forced out, for which Mr. Freeman complained in the House of Commons in England. He got possession again in Sir Wm. Mathew's time, who swore him one of the Councill. After Sir William's death, Col. Johnson suspended him; by Codrington's order, for that was his way of using Johnson, for Codrington, all Johnson's time, govern'd more absolutely than when he was Generall himself. In my Instructions your Lordships restored Mr. Pogson to the Councill and Col. Crisp. Johnson was a bricklayer, went into ye army, was first a Serjeant; Tiffany made him a Captain for bringing him good store of black cattle in the Irish warr; Codrington made him Major, Lieut.-Collonel and Lt. Governor, he could neither write nor read. When any letters of moment were to be writt Codrington first writt them and then they were copy'd and sent, now he is dead Col. Codrington makes greater reflections on him than any other, to make people think he had no hand in Johnson's misgovernment. Pogson will be tryed when I return to St. Kitts. *No signature. Endorsed*, Recd. 17th, Read 18th Dec. 1706. 2 pp. [C.O. 152, 6. No. 69; and 153, 9. pp. 430-432.]

Sept. 16.

492. Mr. Dummer to Mr. Popple. Gives sailings of *King William* and *Frankland* packet boats. Out and home 115 and 98 days. *Signed*, E. Dummer. *Endorsed*, Recd. Read Sept. 17, 1706. *Addressed*. 1 p. [C.O. 323, 6. No. 15.]

Sept. 16.

493. Governor Handasyd to the Council of Trade and Plantations. I have had none from your Lorps. by this packett. I am now to return your Lorps. my hearty thanks for your assistance to me in the procuring my Commission as Brigadier, and since I am not yet to expect the releif either of my selfe or Regiment, I hope your Lorps. will so continue your favours to us as not to suffer us to be forgott in the establishment, when a peace is concluded. The apprehensions we were under of the French attempting us are at present at an end, and I am of opinion

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the Island was put into so good a posture, that they would have got nothing from us but broken bones, and must assure your Lorps. Jamaica should never have been lost while I had lived, but with the best part of our lives : my Regiment still want 150 men to compleat it, which I hope will be sent over for fear any attempt should be made by the Enemy the next spring. I have by this packett received from Sir C. Hedges some newspapers, containing the glorious successes of H.M. arms in Spain, and the progress King Charles has made towards Madrid, which I shall cause to be put into Spanish and shall send to the Spanish Governors by the first tradeing vessell that goes out. Our fleet under the command of Admirall Whetstone, joyned by Capt. Kerr, has been off Carthagene, where the Admirall sent a letter to the Governor, but by a false interpretation of it, made by some Frenchmen who were with him, it being writt in English, the answer was not so good as might have been expected, for which Reason I am getting that letter put into Spanish, and shall send it to the Governor to shew him how villainous those have been who have put a false construction on it: (*copy enclosed*). Admirall Whetstone is returned into port with the squadron intended for England, and I beleive will be ready to sail the last of this month ; there will be on board of him at least 200,000*l*. in boullion, therefore I hope a squadron will be sent out to meet him in the chops of the Channell. Capt. Kerr is not yet returned, but continues his cruize on the Spanish coast. The Assembly is now sitting, and I am of opinion the factious party is broke, and that they will unanimously proceed on business. I here inclose to your Lorps. the Minutes of Councill and Assembly of what they have hitherto done. The English woollen manufactory is very much wanting on the Spanish coast, the Gallions having brought little, nor did our last merchant ships bring any quantity. The Island is now very healthy, but has been afflicted with a bleeding ffeaver, of which severall have died. *Signed*, Tho. Handasyd. *Endorsed*, Recd. Oct. 30, Read Nov. 12, 1706. 2½ pp. *Enclosed*,

493. i. Copy of Sir W. Whetstone's letter to the Governor of Carthagene, Aug. 15, 1706. Sometime since I had a good opportunity of writing to your Excellency by 3 Spaniards I took in a French ship, and you honoured me with a very obligeing answer. My business then was only to acquaint you of the great endeavours used by the most Serene Lady and my great Mistress, the Queen of Great Brittain *etc.* to restore the peace of Spain, and to settle the Crown in the right line of the ancient House of Austria *etc.* *Refers to enclosed prints* giving account of the Allies' successes. We may hope in a very little time to see Spain restored to its ancient freedom, trade and libertys. If I am capable to contribute to your benefitt and happiness in these parts, I shall always be ready upon the least notice given at any time to Jamaica ; you are assured of the Governor of that place's readiness at all times to do the same. This

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worthy gentleman who is now with me, whom H.M. has sent out with a good squadron of men-of-war, will improve all opportunities of doing the greatest service he can for the interest of his Catholick Majesty, Charles III. *etc. Signed, Wm. Whetstone. P.S.—* I hope you have had letters lately from Old Spain, which will give you assurance of much more than these papers mention, and I highly presume that Cadiz by this time is in the hands of his Catholick Majesty, Charles III. *Endorsed, Reed. Oct. 30. 1706. 1½ pp. [C.O. 137, 7. Nos. 32, 32.i.; and (without enclosure) 138, 12. pp. 33–37.]*

Sept. 16. **494.** Governor Handasyd to Mr. Secretary Hedges. *Acknowledges letters* June 28 and 30, and July 4, *etc. Repeats part of preceding. Signed, Tho. Handasyd. Endorsed, R. Oct. 30. 2½ pp. [C.O. 137, 45. No. 84.]*

Sept. 19. **495.** Council of Trade and Plantations to Mr. Secretary Whitehall. Hedges. Enclose extracts of letters from Governor Handasyd (Aug. 6) and Lt. Gov. Johnson and Governor Parke, relating to ships of war, *etc.*, and congratulatory addresses from the Governor and Council of Jamaica to be laid before H.M. *Autograph signatures. 1½ pp. [C.O. 318, 3. No. 31; and 138, 12. pp. 29, 30.]*

Sept. 19. **496.** Col. Sharpe to Mr. Sec. Hedges. I have reed. your letter by the Antegua Packett directed to Sir Bevill Granville, who left this Place the 14th instant in H.M.S. *Kinsale*, with another of H.M. ships, the *Dolphin*, and our Trade home. H.M. subjects here are very sensible of the misfortunes of Nevis, and have shewn the greatest inclinations to relieve them; But such is our unhappyness, that our circumstanecys (as Sir Bevill can inform you) will not admitt the doing them any considerable service at this time. There are of H.M. ships none but the *Maidstone* here, the *Jersey* and *Crown* haveing sayl'd with Commodore Kerr: so that neither are they able to countenance that Place, nor indeed so much as protect our own coast, which now in a manner is quite naked and unguarded. Her most sacred Majesty's care of that and the other Islands signified in your letter must be their only support, as indeed it is the surest any of us have to depend upon, which H.M. subjects here have often experienc'd, and of which they express the most dutyfull and gratefull sense. The Preparations begun by our worthy good Governour Sr. Bevill Granville for defending this Place, if the Enemy should attempt it, have been fore't for some time to be left off, excepting Castle St. Ann, and this, with the guarding our coasts, lyes so heavy upon the inhabitants, that they seem unable much longer to sustain it, but yet are at present encourag'd to undergoe it, in hopes H.M. will be graciously pleased to take their case into her Royall consideration, and order some Forces here. I shall, according to your commands, embrace all opportunities of letting

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the Spaniards know the happy successes of their lawfull Sovereign, in order to encourage the shakeing off their yoke of a foreign Government. Sr., the great and glorious successes of H.M. armes *etc.*, are received by H.M. faithfull subjects here with the most humble and zealous acknowledgments of their gracious Sovereign's stupendous goodness in persevering to protect their liberties and to secure and promote their Trade. As the eldest member of H.M. Councill *etc.*, I shall endeavour to discharge so great a trust with the utmost care and fidelity *etc.* *Signed*, Wm. Sharpe. *Endorsed*, Recd. Dec. 15. *Holograph*. 3 pp. [C.O. 28, 38. No. 52.]

Sept. 19.
Barbados.

497. Col. Sharpe to the Council of Trade and Plantations. *Acknowledges* letters of May 30, and 31, *etc.* *Repeats part of preceding*. I have summoned the Councill, and shall appoint a proper and speedy Day of Thanksgiveing for the wonderfull successes of H.M. glorious arms *etc.*, which have fill'd the hearts of H.M. subjects here with joy and gratitude. *Signed*, Wm. Sharpe. *Endorsed*, Recd. 17th, Read 18th Dec., 1706. *Holograph*. 2 pp. [C.O. 28, 9. No. 83; and 29, 10. pp. 370, 371.]

Sept. 20.
Boston,
New England.

498. Mr. Paige to Mr. Popple. Gov. Dudley lately shewed me a complaint signed by John Colman and Gallop, wherein they reflect upon him as having received 50*l.* of me for the obtaining of the condemnation of a prize taken by the *Charles* galley, and 150*l.* more paid to the Judge of the Admiralty. I always thought the Governor highly deserved that present, from the owners of that privateer, I paid it myself, and never yet had one peny of Colman nor Gallop, as their parts of it, and if they had thought it amiss, they might have told me so, *etc.* We had our men out of the Province by the Governour's leave, and we made too much hast to get a Commission from Road Island, which Governor Dudley oftentimes told me he would grant as soon as the new Instructions came from H.M. for that end *etc.* I am sensible Col. Dudley is no gainer by this Government, and think it an honour to H.M. when I can offer him anything to buy a piece of wine *etc.* *Signed*, Nicho. Paige. *Endorsed*, Recd. Nov. 25, 1706, Read Feb. 28, 170*7*. 1½ pp. [C.O. 5, 864. No. 155.]

Sept. 22.
Antigua.

499. Governor Parke to the Council of Trade and Plantations. My last to your Lordships at large was by the packett of Aug. 28. I than gave you an acct. of the state of these Islands; and hope we shall be thought on and have those stores sent us we so much want; Our fleet sailes to-morrow, all their convoy is the *Medway* prize, wch. a good privateer will take; I shall order the *Swann* (wch. is the only ship we have left to protect us) to see them off the Islands. I believe the Ministry forgetts this part of the Queen's Dominions; or they would not suffer us to be thus insulted by the Queen's enemys; the French have 5 men of warr (two of them of 60 odd gunns) at Martinique, the *Swan* is all wee have, and she (tho there is a very good man

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in her) is so dull a sayler and of so small floree that I am affraid she will be taken every time she goes out ; Mr. Secretary Hedges writ me word the Queen had ordered severall ships from Ireland wth. provissions for the inhabitants of St. Christophers and Nevis, I lett them know it, but as yett there are none arrived, God send the Prize Office has not prevented the Queen's good intentions. I here send your Lopps. the Collector of the Customs acctt. of the Imports and Exports. I also send your Lordships two Acts for a provission for a House at this Island and St. Xphers, wch. I beg the favour that you will gett confirmed for me ; I desire to sett your Lordships right as to the sums ; I am to be paid but for the time I am at each Island ; if I am six months at St. Xphers. I am paid for the six months, and the same at Antegua ; the reason I desired it in both Islands is becaus Antegua is unhealthy during the raines that fall for six months, at wch. time I will live at St. Xphers, and shall vissit Neviss and Montserrat comeing and goeing ; this is no more than Sir Wm. Matthews had, he had 800*l.* the year given him, and they paid it in sugar at 14*s.* per cwt. I have 1,000*l.* per annum paid in sugar at 20*s.* per cwt., and neither he nor I had by this means good 400*l.* the year English, for at this time tho' they take sugar at 20*s.* per cwt. in all bargins or in paying debts, yett any one for Bills of Exchange may buy it for 8*s.* per cwt., as for money there is none in all the Island, the Proclamation has carryed all out ; and I dispair of ever seeing any brought in whilst the Proclamation is to last ; I goe in the man of warr to Nevis where I designe to stay till I see what the French will do abt. the 1,400 negroes they expect from yt. unfortunate Island ; If they come wth. a small floree I will indeavour to beat them, and if the[y] come very strong I will indever to put them off wth. good words, and refer them to England, for they are not able to pay them ; neither is it reasonable they shou'd, for the reasons I gave your Lordships in my last. By a Dane's slupe from St. Thomas's I have an acctt. that D'Bervill is dead, one of his great shippes split on a rock near Cuba, and that his squadron is returned to France, the Spaniard haveing refused to send their galloons under a French convoy ; the Master of the slupe reports he was on board two French shippes bound home who gave him this acctt. Wee have had no rane in this Island for six months, before Sept. 18, water was sold as dear as good bear in London. Everything else is four times as dear as 'tis in England ; when you were fixing the salleries, this Government ought to have had the largest, for there is four times the trouble, and everything much dearer, there is but 150 leagues between this place and Barbados, and yett all goods are twice as dear ; I can give no reason for it, but so it is. *Signed, Daniel Parke. Endorsed, Reed. 2nd, Read 4th Dec., 1706. 4 pp. [C.O. 152, 6. No. 65 ; and 153, 9. pp. 411-417.]*

Sept. 26.
Cockpitt.

500. Mr. Secretary Hedges to the Council of Trade and Plantations. The Queen having been pleased to appoint Mr. Mitford Crowe to be Governour of Barbados in the room

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of Sir Bevill Granville recalled ; it is H.M. pleasure that you cause a Commission and Instructions to be prepared for him. *Signed*, C. Hedges. *Endorsed*, Reed. Read Oct. 1, 1706. $\frac{3}{4}$ p. [*C.O.* 28, 9. *No.* 53 ; and 29, 10. p. 96.]

Sept. 26.
Whitehall.

501. Mr. Secretary Hedges to Governor Dudley. Every post affords fresh matter upon which to congratulate with you ; my last gave you an account of the wonderfull progresses of H.M. arms in Flanders, under the command of the Duke of Marlborough, who has since caused Aeth to be besieged and in all probability is in possession of it before this time ; I am now to acquaint you with the signal victory the Duke of Savoy and Prince Eugene obtained over the united forces of the Duke of Orleans and La Fuillade near Turin, and the very seasonable relief of that Place, which the French have attempted twice in vain, having been before it this last time about $3\frac{1}{2}$ months at the expense of 25,000 men of their best troops, which this siege and the battle that attended it have cost them, besides the loss of their horses, baggage, tents, ammunition and provisions. Their army consisted of about 45,000 men, the broken remains of which are retired into Dauphiné, leaving the Duke of Savoy at liberty to secure his Dominions, and prevent their returning into Piedmont, and Prince Eugene to reduce the Dutchy of Milan to the Catholick King's obedience, of which we hope to receive a good account by our next mail from Holland. There wants nothing now but a continuation of good success in Spain, and that we have all imaginable reason to expect, to make the arms of H.M. and her Allys compleatly victorious on all sides. I must begg leave to referr you to the enclosed for the particulars of our good news.

An express from Sir John Leake, arrived to-day, gives an account that the Castle of Alicant is taken. A squadron for the West Indies is detached from the Fleet, and 'tis hoped they will be arrived before this comes to hand.

The like letter was sent to Governor Lord Cornbury, Governor Seymour, Governor Nott, and Governor Sir B. Granville.

The like letter was also sent to Governor Handasyd, with the following additions ; The good accounts you give, Aug. 2 and 6, have been laid before H.M., who is very well satisfied with your care and zeal in her service. *P.S.*—That part of your letter of Aug. 2, which relates to the recruits, is sent to Mr. St. John, and an extract of yours of Aug. 6, as far as it concerns the homeward bound West India fleet, is transmitted to the Admiralty.

The like letter as to Col. Dudley was sent to Governor Parke, with the following addition ; I have received yours of July 15. I do not very well comprehend how you could have saved the Islands, tho you had had never so great a force with you, unless you had been there in time, but you say you were in a hurry and I hope in your next you will send me an account of what has been recommended to your care in any former letters. [*C.O.* 324, 30. pp. 108–110.]

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Sept. 26.
Whitehall.

502. Council of Trade and Plantations to Governor Sir B. Granville. *Acknowledge* letters of July 1 and 10. We are glad your apprehensions of the French are over, and we doubt not but the arrival of Commodore Kerr with the squadron under his command in your parts will prevent any further attempts of the French. We are in expectation to hear by your next that you are come to some good agreement with the Planters and Inhabitants on St. Vincents, and that they have disclaimed any subjection to the French; But we must observe to you that the Crown of England has always claimed a right to that Island, and does not allow the French to have any title thereunto, as you will perceive by that Island's being put under your Government in your Commission and Instructions; however we shall be glad to hear that the Inhabitants have thrown off their dependence on the French. The Act you sent us *to supply the want of cash*, etc., being of great importance to trade and property, we wish you had given us yours and the Council's thoughts and opinions of it, and what opposition, if any, it met with when it passed the Assembly, and whether it was carried by any great majority; that so we may better know what the general sense of the Island is concerning it, these things would have been of use to us in our considering the same, and wch. indeed ought to be done upon all Acts of so great weight and momt. We desire you therefore would remember it for ye future. [C.O. 29, 10. pp. 94, 95.]

Sept. 26.
Whitehall.

503. Council of Trade and Plantations to Governor Handasyd. Since ours of July 19, we have recieved yours of June 18, Aug. 2 and 6. We have laid before H.M. the Address (Aug. 2), as also what you write in relation to the want of recruits for your regiment, and to a squadron to meet your homeward bound fleet, and we have further sent what you write about Glover's letter, together with a copy of the said letter to a Secretary of State, and shall not fail to give you notice when any determination shall be had thereupon. We hope you will have prevailed with the Assembly to pass such an Act for quartering souldiers as we have oft recommended, that is, to allow them quarters and not mony in lieu thereof. *P.S.*—We take notice of your industry and forewardness in promoting the Spanish Trade, which will be looked upon here as a very good piece of service, and you are desired to give all possible encouragement to it for the future. [C.O. 138, 12. pp. 31, 32.]

Sept. 26.
Whitehall.

504. Council of Trade and Plantations to Governor Parke. We are glad to find by your letter of July 5 that you are safely arrived. We hope by your prudent management of affairs you will be able to persuade the inhabitants to take care more for their defence than they have hitherto done, and by fortifying and strengthening places of natural advantage, secure to themselves a safe retreat in case of any sudden attempt from an enemy, or that shall be superior to them. We have laid what you write in relation to soldiers, ordnance stores, and to a man of war

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to attend the Leeward Islands, before H.M., and shall give you notice when we are informed of any determination had therein. We shall expect from you an account of all things relating to your Government, according to your Instructions, and also of the transactions of the French on Nevis and St. Christopher's, and how the first of those Islands came to be taken, especially seeing you hint that it was by Cowardize. We have received your letter from Barbados, but your letter from the Maderas never came to our hand. [*C.O.* 153, 9. *pp.* 398, 399.]

Sept. 29. **505.** Petty expenses of the Board of Trade, June 25—Sept. 29, 25*l.* 3*s.* 6*d.* Stationer's Account, 21*l.* 6*s.* 6*d.* Postage, 7*l.* 15*s.* 2*d.* 4 *pp.* [*C.O.* 388, 76. *Nos.* 11, 13, 15.]

Oct. 1. **506.** Council of Trade and Plantations to the Queen. *Enclose*
Whitehall. *following* :—

506. i. H.M. Commission to Mitford Crowe for the Government of Barbados, *etc.* *Cf.* C.S.P. 1702. *Nos.* 591*i.*, 472, and 1699. *No.* 382. *Add* : With the advice and consent of the Councils respectively, from time to time as need shall require, to summon General Assemblies within every of the respective Islands under his Government, the elected members to take the oaths appointed instead of the oaths of Allegiance and Supremacy, *etc.*, or else to be incapable of sitting, though elected. Laws to be not repugnant but as near as may be agreeable to the Laws of England. He is given power to administer the oaths appointed instead of the oaths of Allegiance and Supremacy to every person as he shall think fit, who shall at any time pass into any of the said Islands, or shall be resident or abiding there ; to build forts, castles, towns, *etc.* ; to dispose of lands by and with the advice and consent of the Council under moderate quit-rents *etc.* ; to appoint Deputy Governors in the respective islands, Barbados excepted, who are to act according to his directions. Upon his death, if there be no C. in C., the Council to take the administration of the Government and the first Councillor to preside. The power of Vice-Admiralty is not granted in this Commission. (*See* Oct. 30.) *Countersigned*, Wright. Oct. 30, 1706, Westminster. [*C.O.* 29, 10. *pp.* 97-123 ; and 319, 1. *pp.* 1-9.]

Oct. 1. **507.** Answer of Alexander Skene to charges (*cf.* C.S.P. Aug. 13, 1705). No complaints were made against him in Barbados. He took the usual fees, 5*s.* licence for a ship to sail, 12*s.* 6*d.* for a petition. He made no exactions. *Refers* to his acquittal at trial to prove that he was not accessory to Capt. St. Loe's carrying off F. Lee, *etc. etc.* *Signed*, A. Skene. *Endorsed*, Reed. from Mr. Tryon, Read Oct. 1, 1706. 3½ *large pp.* [*C.O.* 28, 9. *No.* 54 ; and 29, 10. *pp.* 124-131.]

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Oct. 1.

508. Governor Parke's Commission to Michael Lambert to be Lieut. Governor of St. Christophers. (*See Oct. 5.*) *Signed*, Daniel Parke. *Sealed*. 1 p. [C.O. 152, 42. No. 7.]

Oct. 2.

Bristol.

509. N. Byfield to the Council of Trade and Plantations. States the case of the *Charles'* prize, and defends himself against the complaints of John Colman *etc.* (*See July 19, 1705.*) *Signed*, Nathl. Byfield. *Endorsed*, Recd. Nov. 25, 1706, Read Feb. 28, 1707. 2½ pp. *Enclosed*,

509. i. Copy of petition of Nicholas Paige *etc.* to Gov. Dudley. June 23, 1705. (No. 1274.xv.) 1½ pp.

509. ii. Copy of Order of Assembly of Rhode Island, June 19, 1705. (No. 1275.) 1 p.

509. iii. Governor Dudley to Mr. Byfield. June 25, 1705. *Copy*. 1 p.

509. iv. Mr. Byfield to Sir C. Hedges. July 19, 1705. *Copy*. 4 pp.

509. v. John Colman to Governor Dudley. Rhode Island, June 17, 1705. (No. 1274.xvi.) *Copy*. 1½ pp.

509. vi. Governor Cranston to Mr. Byfield. June 16, 1705. 1 p. [C.O. 5, 1263. Nos. 139, 139.i.-vi.; and (*without enclosures*) 5, 1291. pp. 451-456.]

Oct. 2.

Boston, N.E.

510. Mr. Campbell to Wm. Popple. Governor Dudley acquainted me that I had offended the Council of Trade and Plantations in representing in the Boston News-Letter of Oct. 29 that the Quakers were endeavouring by their false Addresses at home to misrepresent the Government of this Province for making and executing several severe Laws against their friends only for their conscientious dissent from the National way, and not for any evil fact done by them. I have nothing in that matter to offer in my justification, but that I had seen a letter from the Quakers in London to some Ministers in London, which was covered by the Ministers of London to Mr. Mather and the Ministers of this place (*copy enclosed*). *Prays for a favourable interpretation etc.* I shall carefully forbear reflecting upon those people, who I observe are very well and easily treated by the Government here, and for ought I know are peaceable in their places, *etc.* *Signed*, Jno. Campbell. *Endorsed*, Recd. Nov. 26, 1706, Read Feb. 28, 1707. *Addressed*. *Sealed*. 1 p. *Enclosed*,

510. i. Ministers in London to the Rev. Increase Mather. There was lately an application made to us by some noted persons among the people called Quakers in London complaining of severall severe Laws made in New England against their friends only for their conscientious dissent from ye national way there, and not for any crime or evil fact done by them, and requesting that, provided we are for liberty of conscience to those who dissent from us, we would manifest our sincerity therein by representing to you our dislike of such laws, as you may more fully understand by *following enclosure*.

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Refer to Act concerning Hereticks (see C.S.P. 1705). Quote Cotton Mather's History of New England, etc. Permit us to propose it to your serious consideration whether the punishing persons professing Christianity meerly for their conscientious dissent from the establish'd Religion be not manifestly repugnant to the just rights of mankind and the true principles of the Christian Religion. We are sensible how prejudicial it may prove to our common interest for those of our perswasion to countenance any penal laws for matters of meer conscience. It's evident such a conduct always administers too much ground for the reproach commonly made us, that where we have the power in our hands, we deny that liberty to others, which we ever plead for in our own case, and by vertue of an Act of Parliament enjoy. In case such penal laws are still in force, we make it our humble and earnest request to you and the rest of our Revd. Brethren and Elders of Church that you would joyntly use your pious endeavours to remove all occasions of this complaint etc. Signed, Richard Taylor, John Nesbett, Tho. Rowe, Benja. Rowe, Matth. Clarke, John Singleton, Robert Bragge, Tho. Simmons, Isaac Watts, Tho. Collins. A true copy, signed, Increase Mather, Boston, N.E. Sept. 9, 1706. 2 pp.

510. ii. Quakers in London to the Ministers and Elders of the Independant Congregations. There being severall severe Laws made by your Brethren in New England, both in the Massachusetts Bay Province and also in the Colony of Connecticutt against our ffrriends the people call'd Quakers etc. *as in preceding. Request their communication to their brethren as in preceding, and their concurrent application with us to the Queen to disallow all such laws, etc. Signed, Wm. Crouch, Wm. Mackett, Theodore Eccleston, John Whiting, John Field, George Whitehead. London, Sept. 9, 1703. True copy, signed, Increase Mather. 1 p.*

510. iii, iv. Copies of the Boston News-Letter Sept. 23—Oct. 7, 1706. Numbers 128, 129. Boston. Printed by B[artholomew] Green. Sold at the Post-Office. 8 pp. [C.O. 5, 864. Nos. 156-159.]

Oct. 2.
Boston.

511. Governor Dudley to the Council of Trade and Plantations. My last letters were of July 22 and Sept. 7 last past, since my letters by Capt. Huntington and Col. Povey, since which I have two letters from your lordships, both of Feb. 4; the one referring to Mr. Bridger etc. He is very welcome to me having long known him a person of skill and industry, and I shall use all possible methods in my power to put forward the people in making their returns by those species of naval stores which H.M. so justly expects to be provided of from her own people, besides the great benefit it will be to themselves who have no other species to make return by for one quarter part

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of what they import from the Kingdom of England. In the affair of Connecticut and Road Island, and their refusall of assistance to the Massachusetts, I have never said anything in that matter but what I thought my duty to let your Lordships, upon whom I am willing to depend, know, and the insupportable charge upon this Province as being the Bulwark of those Colonys, and if I have gone too farr in it I ask pardon, I shall trouble your Lordships no more with that complaint, but go on cheerfully with H.M. subjects of this Province, as I have done this last summer very successfully. The Indians were in May last fitted out 300 of them, and sent in 3 troops to fall upon the frontiers, from Deerfield to Wells about 200 miles in length in open villages, which forced me to march the one half of two countys near 1,500 men to lodge in all places not knowing where they would make their impression, and very fortunately met them everywhere, and they are most returned, and the rest going off with four or five scalps of women and children and that is all, and have left about 20 behind them at two small villages where they expected to devour all, and I have visited with a good force all their great fishing and planting places at the heads of the rivers, so as they cannot live nor plant between Cape Cod and Panobscot, and some other places where they were never interrupted in any former warr, and this I am humbly bold to acquaint your Lordships is so very apparently the favour of [*Almighty God to the*] Government here, that everybody publickly acknowledges it, and Boston and the seaports know little of these troubles, saving their payments for the support thereof. I humbly thank your Lordships that my service referring to the Pyrates was acceptable, they were the first ever prosecuted and convicted here, and it was an affair of difficulty to perswade people of the Justice of pursuing those men that brought in gold, but H.M. acceptance of that service will take off every bold challenge that has been offered at it. Mr. Usher is still labouring in the matter of his accounts, and would feign have a finall direction and answer, but the Assembly is slow and difficult to be brought to anything. I shall obey your Lordships and miss no opportunity of pressing it upon them to be just to him as I think his accounts are to them. Referring to the salaries of the Governour, for the time being, the Lieutenant Governour, Secretary and Judges, I have done all I could agreeable to H.M. Instructions at my first coming, and the repeated commands ever since, as well out of obedience as in hopes of my private benefit, but seeing how that affair labours, and how impossible it is at this juncture to obtain it of the Assembly, I shall not further trouble your Lordships therein, but rest myself contented with what they please, having a place of my own and something to support mee, without which could [*not*] live upon their present, which in this great Province makes not 350*l.* sterling per annum; and has not yet amounted to the payment of [*my*] four great Seals and my equipage I brought hither, if my service may be but acceptable to H.M. and to your Lordships, as I perceive every day it is to the universall satisfaction of the

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Countrey, who depend upon the defence they see every day provided for them. Capt. Redknap is about a month since gone to New York to attend my Lord Cornbury in obedience to your Lordships' direction tho I stand in great need of his service, and hope he will return as soon as he may, his last service here was to mount the 20 cannon of H.M. bounty, which are all disposed of into their proper places, but I have still the grants which your Lordships will see in the papers of 1,000*l.* to be laid out upon the Batterys of Boston, 400*l.* for a powder-house to be arched [*that*] it may not be burned by a bomb, and 300*l.* to raise a new work in Winter Harbour Eastward in the rome of Saco Fort, which is adjudged both by Coll. Romer formerly and Capt. Redknap now to be so ill placed and so ill built that it will not be terrible, but fitter to be removed down the River [*a*] league, where it will cover a great fishery and be quit of a hill that over looks [*it*] within pistol shot. The old work was built by Sir Wm. Phipps, when there [*was*] no Engineer in the Province, both unskillfully for scituation and workmanship, and I have convinced the Assembly thereof, and they are lately satisfied to pay the charge of the reform that I now humbly acquaint your Lordships with. If I shall further know your Lordships' commands, referring to [*the reward of deserters* ?] I believe it might have good effect. And as to the business of Quebeck and Nova Scotia, upon the news of the union of the Kingdoms, I most humbly propose to your Lordships, that a Scotch Colony there of 5,000 men would find their own Scotch climate and health, and a country farr surpassing all Scotland, for all sorts of provisions, flesh and fish, infinite timber and masts the first of the whole continent, and would with the assistance of these Provinces very easily remove the French and put an end to the troubles upon the whole shore of America, and they would be therefore very acceptable here. I humbly thank your Lordships' acceptance of the affair referring to the Speaker. While I have the honour to serve H.M. here, I shall never disturb the affairs with my own humour or pride, by the help of God, nor take any other methods but such as are most agreeable to H.M. own wise and most excellent conduct, the good and great effects of which are so apparent at home, nor did I use any pique in the present instance of the Speaker, but the very great poverty of the Person, not being able as he lately offered to pay a tax of a few shillings, when his neighbours pay'd many more pounds, together with other inconveniencys attending that Person, which I need not mention, put mee upon it. I forthwith exprest your Lordships' orders, and H.M. repeal of the Law of Connecticut, entituled Hereticks, and had in answer from the Governour of Connecticut his letters of receipt thereof ; I never yet saw that Law in print, and was absent in the Kingdom of England when it was made, never yet perused any more of it then what is contained in the Repeal, and yet I perceive by the Papers I am reflected on as if assisting or advising the making thereof, a very unjust and false scandal, which I am used to from that Gentleman. I am very sorry that the News-Paper should give your Lordships the least disturbance referring to

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the Quakers, here is no Law in being that reflects upon them or is greivous, saving the military Laws, which demand fines for want of service which was made before I came hither, but has been used as moderately as I can bring to pass. There are none of that perswasion here but will give testimony if need were of my friendship and kind reception of them at all times, and in this matter I have reprimanded the writer, and required him to tell his news without any reflection for the future, which I am sure he will obey, and of this the Quakers here are knowing and well satisfied. I omit no Session of the Assembly to bring back and kee[p up] the coin to H.M. standard, and rigorously observe it in Courts and pub[lick] receipts, and have told them often what your Lordships observe, that they above [all] the Plantations are most oblidged, it being their own Law of the Province before [the] Proclamation arrived, and shall always continue to do my duty herein, and I hope to success. Referring to the broken Seals, I humbly acquainted your Lordships by Col. Povey, that the Seals in former reigns were publickly [broken] and given to the Secretarys to melt down, and so by advise when they were publickly broken in Council the two Secretarys had them, Mr. Add'ngton melted his down, but [upon your] Lordships' direction I made hast to send and recovered that of New Hampshire before it was melted, and Col. Povey I doubt not has delivered it to your Lordships. In the affair of the Mohegan Indians I humbly thank your Lordships' acceptance of what I did therein, and pray leave to assure your Lordships that I never sought that Commission, though I allways thought it my duty to obey it and every other command I shall receive from H.M. at all times. That I never mentioned to your Lordships or any Officer any one of those Commissioners named with myself in the Commission. That I proceeded in it with all honour to the English Government and Justice to every body. That the articles were everyone clearly proved and the judgement given unanimously. That I never had an acre of land in that Colony of Connecticut in my life, much less given mee as a reward for that service. That I never was an enemy to Charter Government, but to those men that upon pretence of such Government, will give no obedience to H.M. just and lawfull commands, all which are falsely insinuated against mee in the papers offer'd upon the tryall before H.M. Privy Councill, by Sir H. Ashurst. And here I most humbly ask leave of your Lordships to say that I never did that gentleman injury, that I am not his inferiour in birth nor education, nor services which I have been honoured with from the Crown of England, [yet] I have been allways inveterately persued by him these 20 years, and in[terru]pted in my coming hither till I was heard before his late Majesty in Council and there justified, and forthwith had my dispatches, and I would feign be at rest from him here, but he still follows mee, and now it is said here from those papers or perhaps his letters, that I have obtained an illegall Commission, and proceeded as illegally in reporting the matter, that some of us here fear least that Gentleman [would] have us outraged by the people for our

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strict obedience to H.M., but [*I most*] intirely referr myself herein to your Lordships' favour and protection. I have written to Mr. Chamberlayn to take out the order for Richard Waldron to be one of H.M. Council of New Hampshire, and some [*time*] since acquainted your Lordships that Nathaniel Fryer was dead, and John [*Ware*] so old and infirm that he very seldom attended and prayed to be dismissed, and [*I con*]tinue humbly to offer Col. Winthrop Hilton and Major Joseph Smith as the [*fittest*] men I know in the Province for that service. There is also Mr. Peter Coffin [*I thi*nk at this time 80 years of age, but he still makes his attendance. Referring to Mr. Serjeant's refusall to be of the Council of the Massachusets *refers to* letters of June 15 (?), 1703, which give an account that at two Sessions of the Assembly, I had with all earnestness recommended the settling of salarys, and the rebuilding of Pemaquid, and particularly in the Session of October that year had in full session in a [*large*] speech recommended the duty of the Province to rebuild Pemaquid for their own honour, security and duty to H.M. commands.

Mr. Serjeant answered mee at the Board he did not believe a word of it, and accordingly laboured to obtain the Council's refusall of that vote. If Sir Henry Ashurst would have his kinsman sit at the Board to contradict H.M. commands and to reproach H.M. Governour as if speaking falseley in such important affairs at a Council Board, I hope he will be alone in that opinion, my education and the character H.M. has honoured mee with, will not allow mee to be patient of it ; since which time I must acquaint your Lordships Mr. Serjeant has carried it with more respect to mee, and I believe I should not have refused him these two last years, but truly the Assembly has not seen meet to chuse him, nor have they ever restored Col. Byfield nor Col. Thomas nor any the other gentlemen they put out at that time. I have left my answer referring to Mr. Coleman's complaint to the last, that it might be in a fair view. In the papers, which I humbly thank your Lordships I have the copy of, the complaints are ; (i) That he and others solicited a commission for Halsey in the *Charles* galley which cost them 2,500*l.* to equip, and could not obtain it, and so were forced to go to Mr. Cranston for it ; (ii) that at their return they were forced to wait a month for judgement, and then pay 50*l.* to the Governour and 150*l.* to the Judge, in which time the men had spent all the cargo, which was 2,600*l.* ; (iii) that I summoned him to give evidence referring to Col. Cranston's refusall to let him have the Lord High Admirall's dues, that I then perswaded him not to be too favourable to Mr. Cranston, and that he was obliged to speak the whole truth, and therefore I never asked him any more for that paper to send to your Lordships, which he therefore doth himself to shew as he saith the naked truth ; (iv) that I refused him the pyrates' gold, saying, "and I think also that I have been very much slighted, that the treasure should be taken out of my hands, who had given security in England, and I kept in the dark." And lastly that one negroe was sold for 40*l.* and another for 20*l.* to the Attorney Generall, who is the

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Governour's son. To the first I humbly offer that H.M. and all Sovereign Princes allow to their Governours forreign, and expect of them that they use a just prudence and discretion what and how many forces, by sea or land, to equip according to their capacity, so as they may be safe at home as well as serviceable abroad, and tho' I have equipt more privateers in this warr than all the Queen's Governments on the Continent, yet I have taken care not to carry away too many men from the land service, which has been very pressing, not to rob all the merchant men, of which yet I have had many complaints, nor to imploy unfit officers, of which the Governour is to be judge, as being to answer his prudence therein to H.M. This was the unfortunate vessell, and Mr. Coleman, Sir Charles Hobby and others the owners of her, out of which the pyrates were taken, and though she was condemned also, they obtained of the Judge of the Admiralty to have her upon appraisement at 200*l.*, tho' as Mr. Coleman saith she cost 2,500*l.*, a much better penny-worth than the Negroe boy, and at the same time of their solicitation, the merchants of this place and severall gentlemen of the Council of another value than Mr. Coleman, more earnestly solicited that she might not carry away 100 men, capable to sayle 10 ships then ready to go to sea to the West Indies. notwithstanding all which, I allowed them to take up men and make ready, while this was doing I received your Lordships' of Feb. 16, 170*1*, wherein to prevent the great irregularities in the granting Commissions in the Plantations, I am commanded to govern myself according to a Commission and Instructions, which I was to receive by your Lordships' next letters. This command I acquainted Mr. Coleman and the owners of that galley with, and told them I expected your Lordships' letters every day, and that they should not tarry an hour after, and this was satisfactory to every body in this Province except Mr. Coleman and his company, and the vessell being gone down out of command some time before by my allowance to get men, they now carryed away the men of this Province and sailed to Rode Island, and Mr. Coleman follows them to get Mr. Cranston's Commission, who had my commission of the Vice-Admiralty on record in his own Court at Road Iland, and H.M. letters commanding him not to meddle in the Vice-Admiralty, which by H.M. order was wholly in my hands, but being solicited by Mr. Coleman, H.R.H. Receiver, I am of opinion he thought himself safe therein. Mr. Coleman saith in his letter this was in November; no sooner were they gone than about the middle of the same month I received under cover from Sir C. Hedges the said Instructions, and gave notice of it, and dispatched what was before mee, and sent to acquaint Mr. Coleman with it, who smiled at it as too late for him. All this Mr. Coleman hides from your Lordships, and puts it wholly upon my will to refuse him, which after your Lordships' notice of that new Instruction I dare not do, and adds that Mr. Cranston took not a penny for that commission which he himself knew was not worth a farthing. (ii) Referring to the expence of the money so soon, I hope it is not true, but if it be, 'tis what I told

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those Gentlemen and others often, that Road Iland was so dissolute a place that they would lose all there, which they might have prevented by coming to Boston. The 150*l.* was all the payment that was made to the Judge, Advocate, Register and Marshall, and was by agreement with them that the owners should pay to the officers above mentioned, divisible amongst them 5 per cent., provided it did not pass 150*l.* in the whole, which is but half what is taken in the other Governments, but however is allways to be rectified by the Judge of the Court of Admiralty of England, upon whom they depend, and to whom they have written for direction. The Judge's letters are in this packet. For the 50*l.* paid myself by Col. Paige, his letter is inclosed, wherein he justifies me in all poynts [*No.* 498], and I nor he ever had any present from Mr. Coleman, and do not expect it, though I had the trouble to see and receive the owners of that unhappy vessell, as he saith himself, every day for a month to give out warrants and allowances for a great number of saylors for that voyage to allow them to sayle, and which is above all they disbanded and left my men near 100 at Roade Island to my great loss, contrary to the Instructions for privateers, a copy whereof I have also inclosed, and when these men had disparaged the Admiralty's jurisdiction in my hands, lost mee such a number of men for want of attending the standing Instruction, for one of them to make mee a present, which every Governour of H.M. has from all prizes, and this to be complained of by them that paid no penny of it, is what I hope your Lordships will not account a fault. (iii) Mr. Coleman has lost his memory with his truth. Mr. Secretary Addington acquaints mee that in the papers sent home last year there is Mr. Coleman's evidence, as now the copy inclosed, so that I did send for it, and he brought it before my self and the Secretary, and there swore it. And at my demand to tell the whole truth he added that postscript, which was all that I wanted, that he was obstructed and had complayned of; your Lordships will perfectly see the value of the man, if you please but to compare his complaint and this record which will be allways too strong for everybody, that I did ask it, and had it, and had the addition made to it to get the whole truth. And this, my Lords, is the naked truth of that Gentleman. That I refused him the Pyrates' gold is most true, H.M. Instructions commanding mee so to do, to take all pyrates' goods and treasure into safe keeping, and give notice thereof to my Lord High Treasurer, for H.M. direction therein, which I have strictly obeyed, to your Lordships' acceptance and H.M. satisfaction. He saith he was much slighted when that treasure was taken out of his hands. I do not know whether your Lordships were advised that 700*l.* or 800*l.* of this pyrates' gold was upon a secret division amongst the owners of that unfortunate vessell carryed home to Mr. Coleman's house, as was all the rest to the other owners, and if he means he was injured when the Goverment sent for that gold and directed him to give his oath that that was the gold and all that came to his hand, this was a service to H.M., and he would have kept me in the dark for all that gold if those

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methods had thrived, and it would have been an extraordinary proceeding, after I had searched the town for that gold, and Mr. Coleman had brought in the biggest share, which he had secretly divided without any judgement in the Admiralty, or regard to the Prince's interest, if it had been a lawfull prize, while himself was the officer, if after all these irregularitys contrary to my Instructions I had given it to Mr. Coleman again, it had been an extraordinary proceeding; I took a better course and lodged it with a sworn Committee of the best Gentlemen in the Country, of whom Mr. Coleman's Master the Commissary Generall, Mr. Andrew Belcher, was one, a man of unspotted reputation, who as I am told was supplanted by Mr. Coleman out of this very Office, and I suppose [*would*] perform it for half the commissions Mr. Coleman now has. The last article is the rich pennyworth of the [*Negro*]; it is certain that the price of Negroes differs from 10*l.* to 100*l.* [*in the*] market. This and everything else was sold at a public vendue; and if Mr. Coleman had offered 1*s.* more, he might have had the rich pennyworth himself. I humbly pray your Lordships to allow mee to say after all this matter, that for an Officer and a servant of H.R.H. in the Admiralty, knowing all that is above, to encourage and take commission from a person without any authority; to complain that I would not give him commission, and hide the reason thereof from your Lordships which was your Lordships' own Instruction; to deny that he gave evidence, and say that I was loath he should say all, when he had done it and added to it upon my demand, as your Lordships see in the postscript; to expect that I should break H.M. commands, and give into his possession the gold I had taken from him the day before; to pretend that prize goods are well and at the best kind sold, when he himself is the purchaser—such articles do not recommend an Officer. I humbly submit myself to your Lordships' censure in every thing, but pray not to be left to the calumny of Mr. Coleman, who is of no further consideration originally here than the son of a poor Ale-house keeper yet living, and, as they say, not able to pay his debts. In the two last Generall Assemblies of this Province, I have moved that the Council and Assembly would address H.M., as upon other heads, so to acknowledge the receipt of H.M. Picture, which is disposed and set up in the Council Chamber, but they are of different minds, and have not agreed the Address. I only say this because I observe other Provinces have addressed H.M. upon that head. I acknowledged the receipt of it to your Lordships and Mr. Phipps, the Agent of this Province, when it arrived, and prayed him to do my duty where it was proper, but since it was in the Councill Chamber, I would have had it done by the Assembly, and shall yet further move it. Since H.M. favour to Owaneco and the Moheegs, they have offered their service as voluntiers against the Eastern Indians, which I thought a service both to supply so many men, and also to secure a breach between them, and accordingly directed Mr. Mason their guardian to give notice to Mr. Winthrop, the Governour, and to tell them I would give

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them subsistence and 5s. per week wages as I do to English men, whereupon a small troop of about 30, with the Sachim's son is now in the service, since which I understand 'tis an offence to the Governour of Connecticut they are in the service, and that I do entertain them, tho' it be upon the reasons above, and to keep them from starving; I shall send them home soon, but thought it proper to acquaint your Lordships therewith. I have covered to his Grace the Duke of Marlborough the [year]'s accounts of expences at the severall Forts, with the present state of the or[dnance] and stores, ending Sept. 29, having had no safe conveyance [for the] half year, and in this packet are the Acts of Assembly, Minutes of Councill [*Causes and*] other papers of both the Provinces. Mr. Thomas Allen's Attorney is here arrived, and has presented [mee with] H.M. Order in Councill referring to that tryall, which I shall care[fully obey], and make all the direction in my power that the Juryes may find specially and that the matter may stand fairly for a just and finall judgement before H.M., that it may have an end. I have given the Judges notice of H.M. commands to give their answer for refusing the appeal of Capt. Lawson, and they will obey it by this conveyance. In all times past the Government of this Province have been obliged to purchase their prisoners from the French at Quebeck and Port Royall, sometimes at 5*l.* per head, but I have obliged them to return them without payment by the prisoners I have taken from Nova Scotia, which I lately returned, and dayly expect the return of a briganteene I sent to bring away mine from Quebeck, those from Port Royall being all come home already. If I might have H.M. favour that 4 or 5 shippes might spend 3 summer months here, I think both these places might be reduced with a proper force taken up here, and would be a very fair settlement for a Scotch Province or otherwise, as H.M. should please. I humbly ask your Lordships' pardon for this long account of affayres here and I humbly pray the continuance of your Lordships' favour to represent mee well to H.M. All H.M. good subjects are easy and satisfied with the administration of the Government, and I believe the Militia of this Province, and the Assembly of New Hampshire, and the ministers and Clergy have sent their addresses to H.M. On that head I have written by Mr. Phipps to attend your Lordships for direction therein. I pray your Lordships that I may not be a sacrifice to Connecticut and Road Island, who, as well as their Agent at home, are angry at my obedience to H.M. commands, and upon no other head. When I neglect my duty here, I am willing to be disgraced, and when I am unfortunate I will pray to be dismissed. In the meantime I humbly pray that I may not lose H.M. favour in my present employment, where I have yet got nothing, which I am perswaded this Province would be sensible of, if the debts contracted by the warr were discharged. *Signed*, J. Dudley. *Endorsed*, Recd. Nov. 25, 1706. Read Feb. 28, 170*6*½. *Edges torn*. 9 pp. *Enclosed*,

511. i. Deposition of John Colman. Boston, Aug. 10, 1705.

Being deputed by John Dod, Receiver of the Lord High

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Admiral, and being informed there was a prize brought into Newport by Capt. John Blew, by the direction of Joseph Dudley, Governour and Vice-Admiral, I went to Rhode Island and shewed my Commission to Governor Cranston. On perusal he found it said "Boston and the districts thereof," and answered they were no district of Boston, and could not admit me to be the Receiver, adding that he had put the matter into the hands of the Queen's Collector. I then wrote Mr. Dod, who sent me another commission, empowering me to be Receiver over all N. England and Rhode Island, and about the same time H.M. Commissioners for Prizes sent me a deputation to be the Queen's Receiver also, which as soon as I received, I advised Gov. Cranston of, who then shewed all respect to me as the officer and accounted with me for the tenths of the prize, part whereof I have received. *Signed*, John Colman. *P.S.*—The money remaining in Governor Cranston's hands is since recd. Oct. 11, 1705. *P.S.*—At my return from Rhode Island, I complained to Gov. Dudley that I was obstructed in my receipt of H.R.H. dues there. Gov. Cranston kept me out of ye same for more than two years, and, as I understood, the Government petitioned home that the money might be applied to ye use of their fortifications, wch. money is now actually paid to me. *Endorsed*, Reed. Nov. 25, 1706. *Copy*. 1½ pp.

511. ii. Copy of an Article in the Instructions given by Governor Dudley to privateers. You are not to enter or retain any man's sons under age, or servants, contrary to the Law, and before you depart, you are to deliver into the Secretary's Office the names of the company with the place of their dwellings, and such as belong to this Province, you are to bring back with you to the same, or use your best endeavours so to do. *Same endorsement*. 1 p.

511. iii.-ix. List of causes in the several Courts of Justice in the Massachusetts Bay, Jan. 1704—July, 1706. *Same endorsement*. 19½ pp. [*C.O.* 5, 864. *Nos.* 114-126; and (*without enclosures*) 5, 912. pp. 267-300.]

- Oct. 2. **512.** Governor Winthrop to Governor Dudley. *Acknowledges* H.M. Order repealing the Act about *Hereticks*. New London, Aug. 29, 1706. *Signed*, J. Winthrop. *Endorsed*, Reed. Nov. 28, 1706, Read Feb. 28, 1709. *Addressed*. *Holograph*. 1 p. [*C.O.* 5, 1263. *No.* 137.]

- Oct. 2. **513.** Judges of the Superior Court of the Massachusetts Bay to Governor Dudley. In obedience to H.M. Order in Council, signified by your Excellency Sept. 28, to give an account in writing of the reasons which induced the Court to refuse the appeal of George La[w]son, Plaintiff against Peter Sergeant,

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from a verdict of the Court, it appeareth that the Defendant at an Inferior Court of Common Pleas at Boston, Oct. 3rd, 1704, obtained a judgment which was affirmed at the Superior Court Nov. 7 following, upon the defendant's plea in barr of the action brought by George La[w]son, the cause not having been committed in either Court to the jury, as the course of the Courts is, and hath been by the direction of a particular Act of this H.M. Province. The Clerk of the Court hath not entered any motion made by Lason for an appeal, as at all times he hath been used exactly to do upon such motion made, nor do any of the Justices remember that he made any such motion, or that the Superior Court ever refused his appeal, nor had they authority to grant it, for the sum sued for by him, being but 147*l.* 16*s.*, amounts not to the value set in the Charter *etc.* *Signed*, Samuel Sewall, John Hathorne, John Walley, J. Leverett. *Endorsed*, Recd. (from Mr. Sec. Hedges) Dec. 3, 1706, Read Feb. 21, 170*7*. 1 *p.* [C.O. 5, 864. No. 88.]

Oct. 2.
Boston.

514. J. Colman to the Council of Trade and Plantations. A bond for the 50*l.* Governor Dudley squeezed out of us was given to his son, for the Governor. The sale of the negro boy was clandestine, for there had not been due notice thereof, *etc. etc.* (*cf.* Oct. 10, *etc.*). *Signed*, John Colman. *Endorsed*, Recd. Dec. 11, 1706, Read Feb. 28, 170*7*. *Holograph. Addressed.* 2 *pp.* [C.O. 5, 864. No. 160.]

Oct. 2.
Treasury
Chambers.

515. Mr. Taylour to W. Popple. The Lord High Treasurer desires the opinion of the Council of Trade and Plantations upon enclosed. *Signed*, J. Taylour. *Endorsed*, Recd. 3rd, Read 8th Oct., 1706. *Addressed.* 1 *p.* *Enclosed*,

515. i. Comptrollers of the Accounts of the Army to the Lord High Treasurer. Comptrollers' Office, Sept. 4, 1706. Upon Capt. Moody's application for 363*l.* 3*s.* 8*d.* for provisions supplied by him to the garrison at St. Johns, and for his pay from Xmas, 1704, to Nov., 1705, which he prays may be ordered him without charging respitts, we acquaint your Lordship that 355*l.* 5*s.* 7½*d.* has been paid to Capt. Lloyd and the executors of Capt. Powell for provisions for the garrison when they were commanding there, and 150*l.* to Capt. Moody for wine and brandy furnished to the garrison during the 5 weeks' siege. In our report, June, 1705, we offered that the Council of Trade and Plantations should lay before your Lordship a scheme how the garrison and company at Newfoundland might be maintained with less disadvantage to the publick. In which opinion wee are further confirmed, since we find repeated demands made by every Governour of that place, which so farr exceeds the respitts and contingencies, and humbly submit whether this demand of 363*l.* is not more properly examinable by the Council of Trade. *Signed*, Arth. Moore. *Copy.* 1½ *pp.* [C.O. 194, 3. Nos. 166, 166.i.; and 195, 4. *pp.* 285-287.]

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516. Capt. Moody to the Council of Trade and Plantations. Prays for a favourable report. *See preceding. Endorsed, Recd. 3rd, Read 8th Oct., 1706. 1 p. Enclosed,*

516. i. Sir C. Hedges to Henry St. John, Secretary att Warr. Whitehall, May 10, 1706. *Recommends* Lieut. Moody for the first Captain's commission which becomes vacant. *Copy. 1 p.*

516. ii. H. St. John to Earl Rivers. Whitehall, July 22, 1706. *Recommends* Capt. Moody for one of the first companies that shall fall vacant upon the expedition in which he will attend him. *Copy. 1 p. [C.O. 194, 3. Nos. 167, 167.i., ii.; and 195, 4. pp. 288-290.]*

Oct. 3.

New York.

517. Governor Lord Cornbury to the Council of Trade and Plantations. On Aug. 22 last I received from Col. Quarry your Lordships' letters of July 18, 1705, Nov. 28, 1705, two letters of Feb. 4, 1706, and one from Mr. Popple of Feb. 9, 1706. In the first of those letters your Lordships are pleased to say that you expect to hear from me, what has been the effect of the suspension of the execution of H.M. Proclamation relating to the coin, in answer to which I herewith send a duplicate of my letter of Aug. 10. In your letter of Nov. 28, 1705, you are pleased to direct me to send an account what pay is due to the Rev. Mr. Mott, late Chaplain to H.M. forces here, and what effects he has left in the country; as for effects, he has left some books, of which I herewith send a catalogue, and a very few cloths, not worth in all 6*l.*, a silver seale, a silver headed cane, and some other trifles, all mentioned at the foot of the inventory, I will likewise send you the appraisement of the whole, and wait your Lordships' further directions, before anything is disposed of; and upon this occasion I must observe that in the 63rd clause of my Instructions, the Queen is pleased to reserve the probats of wills, and the power of granting of administrations to me; and this observation I make, not only because it seems to be an encroachment upon the power granted to me by H.M. Letters Patents under the Great Seale of England, but because of the many inconveniencies which must attend such a method of proceeding, for example, a man dies in New York intestate, before he comes to New York he contracts severall debts in England, afterwards he contracts several debts in New York, the creditors in England, hearing of the death of the party, obtain letters of administration in England, the creditors at New York much sooner obtain letters of administration from the Governor of New York, and by virtue of those letters of administration they dispose of the effects of the deceased; a considerable time after that, the administration granted in England is brought to New York by some person impowered to act for the creditors in England, this puts a necessity upon the Gouvernor, either of not granting any letters of administration at all (not knowing if they are granted in England or not), or else of disallowing the letters of administration granted in England, which I would not willingly doe; therefore I intreat your

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Lordships' consideration of this matter. Mr. Mott did owe severall sums of money in this place, which if not paid out of such effects as he has left here, noe person coming from England must expect any credit here, besides if letters of administration granted in England must take place here, it will cause great difficultys among trading men, for men will be very cautious how they part with their goods upon credit, because it is not very easy to know what debts a man may have contracted in England. In your letter of Feb. 4, 170⁶, you say, that you have not received my letter of Nov. 6, I am sorry for it, and shall observe your directions in sending duplicates by different conveyances, and I am afraid that more of my letters are lost, because by the Master of a sloop come in last night from Barbados, I am informed that two sloops belonging to this Port, going to Jamaica, are taken by the French, and indeed the conveyance by the way of the West Indies has hitherto proved very uncertain with respect to these Colonys upon the Continent. Your Lordships are pleased to say you have considered what I have acquainted you with upon the Bill for raising 1,700^l., I am very glad to see what has been your opinion upon that matter, and I have obeyed your commands in acquainting the Assembly with the method they must follow, in the passing of money bills for the raising extraordinary supplys for perticular uses ; I have alsoe acquainted them that the Queen expects they should provide towards their own security by giving necessary funds for furnishing the Inhabitants with arms etc., they are now sitting, and I hope will comply. Your Lordships are pleased to say that you hope noe occasion has been given by the Government for any just diffidence, and that I have and will lay before them an account of all moneys raised by Acts of Assembly, whenever they shall desire the same. Whenever they have desired an account, they have had it, and if you are pleased to direct Mr. Popple to look into the Journalls of the Assembly, which I have constantly sent to you, you will find that they did demand an account of the 1,800^l. taxe, and they had it. There has been but four money bills past since I came to this Government, the first was for the raising of 2,000^l., which the Country made me a present of, and which the Queen was graciously pleased to confirm ; the second was for the raising of 1,800^l. for the defence of the frontiers the winter of 170³, the third for the raising of 1,500^l. for fortifying the Narrows, and the fourth for raising of 1,300^l. for the defence of the frontiers the winter of 170⁴, since that have noe money bills past, I wish the Assembly here may be convinced how reasonable a thing it is that they should raise funds for the providing arms and amunition for the defence of the country, but I much fear it, however I shall make use of the most moderate and persuasive means I can to induce them to it. I hope to get all the Minutes of Councill and Assembly ready by this conveyance, but if not, I will send them by the way of the West Indies ; during the long sicknesse of my wife (whom it has pleased God to take to Himself) the Clerks have been very negligent, because I could not call upon them myself

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soe often as I would otherwise have done, but now I will keep a steady hand over them till they have finished. The two frigattes your Lordships are pleased to mention, vizt. the *Lowstaff* and the *Triton's* prize are both here, and are ships fit for the service for which they are sent, Capt. Fane has behaved himself very well since his coming into this Port, and has kept his men in very good order, and not many have deserted as yet; but I can not say the same for Capt. Miles, for he has used his men soe ill that in 3 months above 40 of his men deserted, and when some of those who remained were asked what was the reason their comrades ran away soe fast, they said it was the ill usage they had from their captain that forced them to it, particularly in giving them ill provisions, and indeed when the two ships lay in Kip's Bay, where the Queen's ships always lye in winter, Capt. Fane took care his men should have fresh meat, but Capt. Miles's men had none, but were kept to their salt provisions brought from England. I must acquaint your Lordships with a practice Capt. Miles has used here, and which came very lately to my knowledge, which is thus, the Captain (upon my telling him he should cruise in a short time), told me that he wanted 40 men, whereupon I gave him a warrant to presse men out of the vessells that should come from sea for a certain time limited, he does presse men, but afterwards for certain considerations disposes of some of them to some merchant men then going out from this Port, upon another occasion he dismiss one of his midshipmen, and that man went out Master of a sloop from this place, and still goes on pressing, which, if suffered, will at last be the ruin of this place, and I know but one effectuall way of preventing it, and that is, that H.R.H. my Lord High Admirall would be pleased either to appoint a Clerk of the Checque in this Port, or else to impower the Gouvernor to muster the men belonging to H.M. ships of warr in this Province, by this means, as soon as a ship has her complement, the presse will cease, and the merchants will be able to man their vessels, and indeed I doe not find but the people are very willing the Queen should be served, but they think it is very hard that men must be pressed under pretence of the Queen's service, when indeed there is noe need of it. I hope your Lordships will be pleased to represent this matter in such a manner that this evill may be remedyd. Capt. Miles, at his first coming into this Port (which was late in the year) applyed to me for orders to lay up the ship, and after the winter was over, he came to me for orders to bring the ship downe into the Road, and afterwards came to me for orders to presse, but when his ship was fit to sail, and I sent him his sailing orders, he sent me word he could not obey my orders, I sent for him and asked him what he meant by saying he could not obey my orders, he told me he had an order from the Prince to follow such orders and directions as he should receive from Capt. Fane. I told him if he had any such order, he had done very ill not to acquaint me with that sooner, and that he should not have applyed to me for the former orders as he had done, and I asked to see the order and he shewed it

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to me, I desired him to leave it with me that I might take a copy of it, he said he would send me one, but has not done it to this day ; upon his refusing to obey the orders I sent him, I ordered Capt. Fane to cruise, which he did, and I did not intend to send any more orders to Capt. Miles, till I had an answer from Mr. Burchett, to whom I wrote to desire him to acquaint H.R.H. with this matter, and to desire that I might receive his directions how to behave myself for the future, with respect to H.M. ships of warr appointed to attend this Port ; and this I desire the rather, because in the 51st clause of H.M. Instructions to me it is said, that, with other powers of Vice-Admiralty, I shall receive authority from H.R.H. upon the refusall or neglect of any Captain or Commander of any of H.M. ships of warr to execute the written orders he shall receive from me for H.M. service and the service of the Province under my Government, or upon his negligent or undue execution thereof, to suspend him *etc.* But as yet I have received noe such directions, soe have forbore doing anything against Capt. Miles ; but in a short time after Capt. Fane was gone out, I received advice from the West Indies that Monsieur D'Iberville with a squadron of French men of warr under his command had burnt St. Christophers, and that he intended to attack some other of the Islands, and then intended to destroy this place in his return to Old France, the same accounts came to severall of the merchants of this City from their correspondents, and particularly from St. Thomas's, one Mr. Serurier, a French merchant, wrote to Mr. De Lancey, one of our merchants here, that he had been on board Mr. D'Iberville, and that he had all the reason in the world to believe that he intended to attempt this place ; the people here were so much the more easily persuaded of the truth of this report because in 1701 Mr. D'Iberville came into Sandyhook, with a ship of 50 guns, and pressed a man in East New Jersey to pilot his ship up to a place called the Watering place, which is near Staten Island, within sight of this City, and about nine miles from it, he lay there between a month and six weeks, and sounded all the Bay and the River from the point of the Fort to Sandyhook, without Capt. Nanfan's taking any notice of it, soe that he is perfectly well acquainted with this Port ; these reports encreasing by every vessell that came from the West Indies, the people here began to be very uneasy, and full of apprehensions of the danger they were in, considering the Fort was quite out of repair, the City quite open, having noe manner of fortifications about it, and almost all the guns dismounted, and the carriages of the rest rotten, soe most of the considerable merchants in town joined with the Mayor and Aldermen in a Petition to me, in which they desire that I would give directions for fortifying the City, and for mounting the gunns. Upon this I called the Council, I acquainted them with the Petition I had received, and desired their advice, who told me that the best way would be to encourage subscriptions for the advancing money to carry on the work, till the Assembly (which stood then prorogu'd to Sept. 12) could be got together ; upon this I desired the Gentlemen

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of the Council to appoint a meeting with the merchants at the City Hall, which was accordingly done, and subscriptions taken to a considerable value, and some money paid downe into the hands of four merchants of this City, who were appointed to receive and pay out the money that should be received upon those subscriptions, the four were Col. D'Peyster, Capt. Lurting, Capt. Read and Capt. Provoost; upon this I immediatly wrote to Boston, to Capt. Redknap, H.M. Ingenier, to desire him to make what haste he could to this place, that we might have his directions and assistance in putting ourselves into a posture of defence, as soon as he received my letter, he acquainted Col. Dudley with it, and desired he might have leave to set forward immediatly towards New York, Col. Dudley acquainted the Gentlemen of H.M. Council for the Massachusetts Bay with it, and they were of opinion that Capt. Redknap ought not to be permitted to goe till he had finished some works that were begun there, soe that we were deprived of that Gentleman's assistance, though not by his fault, who was very ready to come, upon this the people began again to be very uneasy, and pressed me again to give directions for the fortifying the City, which I did and in few days we run a line of stockadoes from the North River to the East River, which is about 45 chain, and raised a good breast work, not only there but along the River side, we have raised 3 Batteryys upon the East River, one of 22 guns, one 7 guns, and one of 8 guns; 3 Batteryys on the North River, one of 9 guns, one of 5 guns, and one of 3 guns, and one Battery upon a point of rock under the Fort of 11 guns, we had not guns enough of the Queen's to suply all these batteryys, but the City have borrowed 18 guns out of a Scotch ship which lay at Amboy, and some merchants here, who have some few guns for sale, have likewise lent them; I thought this a favourable opportunity to get the Fort repaired, which stood in great need of it, and I have got the walls repaired everywhere, the parrapet (which is of sodd work) all new done, and all the guns that wanted carriages new mounted, and others repaired, soe that now I have 46 guns mounted upon the walls, and the courtines and bastions of the Fort in as good repair as they can be without new building; upon this occasion, notwithstanding my former resolution of sending noe more orders to Capt. Miles, I did send him an order to fall downe to Sandyhook with the ship under his command, to remain there till Capt. Fane came in and then to proceed upon his cruise, this order he thought fit to obey, and soe has continued doing till a few days agoe that he came in from cruising and sent me word that he was at Sandyhook, the ship had received some dammage, and that it was not safe for the ship to ride there in the condition she was in. I immediatly sent him an order to bring the ship into the Harbour, but this order he would not obey. I do not write this to your Lordships as a complaint against Capt. Miles, but only to let you see what difficulties sometimes I meet with, with some of the Gentlemen that have the honour to command the Queen's ships, and to desire that I may have directions how to proceed in cases of

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the like nature. The new Seale for this Province came safe to my hands, and I herewith send your Lordshipps the old one broken according to your directions. *Signed*, Cornbury. I had almost forgot to acquaint your Lordshipps, that upon the news of the French intending this way, I drew together the Militia of this City, King's County, Queen's County, Richmond County, West Chester County, and the West end of Suffolk County and Orange County, which together made up 2,200 men, besides in the Countys of Essex and Bergen in the Eastern Division of New Jersey, which is but just crosse the River, there was 700 men in arms, soe that in 24 hours I can have near 3,000 men in this City. I herewith send an account I just now received from Carolina. *Endorsed*, Recd. from Mr. Sloper. Nov. 28, Read Dec. 5, 1706. *Holograph*. 7 pp. *Enclosed*,

517. i. An Impartial Narrative of ye late Invasion of S. Carolina by ye French and Spaniards, Aug. 1706. Carolina being not onely a frontier to the English settlements, but also frequently menaced by the Governors of St. Augustine and the Havanna with an invasion, it became absolutely necessary to prepare for the same, accordingly (Sir N. Johnson being Governor) Charles Town was with all imaginable dispatch surrounded with a regular fortification, and 100 choice great guns mounted thereon, the Militia by frequent exercise well disciplin'd, and all other necessarys reduced to a millitary posture for their reception. In which state the affairs of the Province remained when it pleased God to visett us with a greivous pestilence, which raged cheifly in Charles Town, took off a great many of the inhabitants, and begann to spread throughout the whole Province, which misfortune comeing to the knowledge of our enemies encouraged them to conclude that now was the only time to execute their designs agt. us, and one Monsr. Le Feboure [*or Faboure*], Commander of a private man of warr, hapening at that time to be at the Havanna, with 4 other privateer ships, the Governor at last prevailed with them to undertake the invasion, reinforced with about 800 men, and directed ym. to call at St. Augustine for more supplys, and from thence saile directly for Charles Town. The first aecot. we received of them was by Peter Stool [*a Dutchman*, Nov. 19], Commander of a privateer sloop belonging to New York, who, having lately refitted in this Port, sailed for the barr of St. Augustine, intending to cruize thereabouts some time in expectation of a ship with money on board to pay that garrison. On Saturday, Aug. 24, he returned and informed us that the Wednesday before he engaged a french ship off [f] Augustine Barr, where [he] lost 2 men and had 5 wounded, and that the day before he was chased by four ships on this coast. He had not been arrived scarce above one hour, and not done

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relating this news, before wee discovered from the town 5 smokes on Sullivane's Island, which signified that so many vessels were by that look-out seen at sea, upon which Lt.-Col. William Rhete [*Rhett*] (being the Commander in Chief then in town) caused the allarm to be made, dispatched messengers to the Governor and his superior Officers, and gave the necessary orders for that night. That evening the enemy came up with our Barr, but would not venture to come over and then stood again off to sea, being near night. *Aug. 25th.* On Sunday morning Col. James Risbie came into town and received advice from the Look-out that the enemy appeared to the southward of the Barr, manning their galleys perriauguers and boats, wherefore wee expected them to land upon us that night. In the afternoon Major General Broughton came to town, and two companies under Capt. David Davies and Capt. Wm. Canty, about the same time also most of the Gentlemen belonging to the troop commanded by Col. George Logan came to town, strickt watch being kept all that night. *26th.* The next morning the Country Compa. marched out of the lines of the Town, and took up their quarters half quarter of a mile from the same, it being thought convenient not to expose them, but in case of new necessity, to the sickness of the Town. All that day the Enemy continued at anchor at Folly Island, their boats sounding the Barr. The same day our Governor came to Town, viewed our preparations and gave the necessary orders, his presence gave great encouragemt. to us all having strong confidence in his courage and conduct, in the evening our forces were again drawn into Town. *27th.* On Tuesday morning the companies under Capt. Johnson Lynch and Capt. George Hearn marched with[*in*] a quarter of a mile of the Town, ready to enter when ordered, and Capt. Jonathan Drake's companie from James Island came over to Town. The same morning the Enemy with four ships, one galley and a small craft to land their men (to ye great surprize of our Pilots, who esteemed it almost impossible) came over the South Barr, and having a fair wind and tyde wee expected would have come directly to the Town, but they stretched along and came to anchor under Sullivanes Island, whereupon the Governor drew up all the fforces quartered near the lines, and march't them into Town, in order to receive the enemy, and Capt. Fenwich's* company being on a neck of land lyeing between Wandoe River and the sea, a sloop was sent over for them, which the enemy perceiving sent out their galley to intercept them, but failing in

* Spelt Fenwick in account of Nov. 19.

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their purpose, our men were all safely landed at Charles Town.

In the evening Marshall Law was proclaimed, and the forces then in town disposed to severall quarters, keeping a strong guard all night, the whole Town being illuminated with lights from every window, the which was repeated every night during the allarum. 28th. The Santee Company under Capt. — Longboys [*James de Longbois*, Nov. 19] march't into the Town and Capt. Seabrook's Company from the southward. This morning a Councill of Warr was held, where it was concluded that 3 ships, one briganteen and two sloops then in the harbour should immediately be fitted together with a fire-ship in order to take or destroy the enemy, who still continued at anchor under Sullivan's, the command being conferred on Lt.-Col. Rhett. The same day a Flag of Truce came on shore with a message to the Governor. The Messenger being brought into Granville Bastian, then commanded by Capt. Geo. Evans, where he remained for some time, and being presently afterwards introduced to the Governor, he told him he was ordered by M. le Feboure in the name of the King of France to demand that wee should surrender to him the town and country and our persons to be prisoners of warr, adding that his orders were to give but one hour's time to determine an answer. The Governor told him that it needed not a quarter of an hour or a minute's time, for he was not in a condition to be obliged to surrender the Town, but would defend it *etc.*; that he valued not any force he had, and bad him goe about his business. The Messenger departed, seeming very much surprised at our strength and numbers. 29th. Wee perceived the enemy's boats landing a party of their men on the beforementioned neck of land, and in a short time severall smoaks arose near Col. Dearsly's Creek, which wee afterwards understood to be from two vessells riding in the creek, which the enemy sett on fire. Upon this Col. Risbye and Major Parris were ordered to detach a party of 100 men to be sent over to attack the enemy, but being just ready to embark, were countermanded, and that service referred to the next morning, at which time it was hoped to land and fall on them undecern'd, which succeeded accordingly. The same day another partye of the enemy, about 30 men, went on shoar at James Island, and sett fire to a house, whereupon the Governor commanded Capt. Jonathan Drake with his company to march over and disturb them, but being observ'd by the enemy's ships, they fired a gun to call their men back, who recovered their boat, and in great hast put off before Capt. Drake with his company could come up with them, but the Indians marching faster

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came time enough to exchange severall shotts, and wounded 2 or 3 in their retreat. 30th. Two hours before day news was brought by a negro from the Neck that the enemy, consisting of about 160 men, had been on shoar all that night, had kill'd a great many cattle, fowls and other stock, and were securely feasting and making merry, whereupon the Governor immediately commanded Capt. Fenwich with his company together with a detachmt. out of the companys of Capt. Lynch and Capt. Canty, about 106 men in all under Capts. Fenwich and Canty, to pass over to the neck to cut off the enemy. Undiscovered they landed at Hobeau, and Capt. Fenwich leaving about 10 men to guard the boats, advanced in pursuite, sending 2 soldiers and half a score nimble Indians as scoutts before him, and having march't about 5 mile mett the afore-said scouts returning with accot. that they had seen the enemy at Rowler's plantation being then distant but half a mile from them, whereupon Capt. Fenwich wth. speed and silence advanced towards them, and being come up to the fence of the Plantation were they were undiscovered, spread themselves in order to surround them, but the enemy perceiving them, and being but a party of the main body, imediately retreated receiving our fire without any return on their side, wee pursueing them came up to Gill's Plantation half a mile distant from Rowzer's, where the enemy meeting another party of their own men ralied and faced us, disputing the ground for some time and exchanging severall values, but huzaing and rushing on them, they gave ground, and in great disorder fled to their main body which were at Hartman's Plantation about a mile further. In this action wee killed them 6 men, wounded 4 and took 2 prisoners, with the loss only of one man, and Capt. Fenwich pursueing this good begining and the flying enemy, came up to Hartman's Plantation, where their whole strength consisting of about 130 men were drawn up in order of battle in the middle of the pasture, being a large open feild of about 150 acres of ground, seeming resolv'd to engage us, whereupon Capt. Fenwich and Capt. Canty likewise drew up their men full of eagerness and desire at sight of the enemy to fall on them, and advanceing within half musquett shott poured in their volley with [*which*] the enemy sustein'd and return'd theirs, but seeing our men running on huzaing with a desperate resolution to engage them closer, they imediately quitt the field and fled away in great disorder and confusion, but being prevented from heading the creek, the greatest part of them fell into our hands and begging quarters were made prisoners of warr, others attempting to escape by swimming the creek were drowned. In the whole loss sustained by

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the enemy there were 9 killed, 7 wounded, about 7 lost in the creek and 33 prisoners taken, with the loss only of one man on our side, so that of about 130 men, there returned but 60 to the ships or thereabouts, the rest being either killed or taken prisoners, with which good success Capt. Fenwich and Capt. Cauty with their men and prisoners returned to the Town by 11 of the clock. The Governor being rightly informed by them of the posture and circumstance of the enemy, and the vessels being in readiness gave orders for those forces to embark where [*! who*] were allotted to man the ships. 31st. On Sat. morning our fleet, consisting of 6 vessells and a fire-shipp under Lt.-Col. Wm. Rhett as Vice-Admirall, sett saile towards ye enemy, who, seeing us make towards them, in great hast and confusion gott under saile standing for the south barr, and in a very little time by the help of a favourable wind and tyde gott not only out of our sight but over the accidents of that dangerous barr, and dirty weather coming on, the ships return'd again to the harbour before Charles Town.

On Sunday afternoon Capt. Watson in the sloop *Seaflower* was ordered to the barr to see if he could discover any of the enemy's ships, and, returning without any accot. of them, from a point of land on the Neck he took off 14 prisoners, who being deserted by their vessels surrendered themselves prisoners of warr, and the Governor being fully informed that the enemy were fled, discharged the alarum and declared marshall law to cease.

The same day at night John Abraham Motte commanding a pad round the Neck, sent an express to the Governor acquainting him that a vessell was seen rydeing at an anchor in Sea-wee Bay, who were landing a great many men, whereupon the Governor concluding this vessell to be ship which the prisoners told us the enemy expected, wherein was Monsr. Arbousett, their Land Generall and severall officers and abt. 180 or 200 men, resolved to take her and accordingly the next morning [*Sept. 2nd*] commanded Capt. Fenwich with his company to join Mr. Mott's pad round and together by land march to Sea-wee Bay to anoy the enemy and intercept their landing, and intending also to attack her by sea, appointed the *Seaflower* and the aforementioned privateer sloop for that expedition under Lt.-Col. Rhett. Orders were accordingly given Col. Risbie to put on board a number of men; the *Seaflower* was forthwith maned, but severall gentlemen and others who were willing to share in the danger and honour of that design, but desirous of the company of Col. Risbie, the Governor at his earnest request, permitted him with Capt. Evans and his Company

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to goe on board the privateer sloop. That morning both sloops sailed over the Barr, and made the best of their way for Sea-wee Bay, but there being little wind, they came to anchor that night off. 3rd. Capt. Fenwich and Mr. Motte had notice that abt. 200 of the enemy were landed and ashoar at Mr. Hollybus his Plantation, upon which they immediately marched towards them, endeavouring to cutt them from their boats; they found them in an open plantation advantageously posted, but runing up to them boldly huzaing and firing they durst not sustain the charge, for seeing severall of their men fall, the rest cryed out for quarters, there was abt. 12 or 14 of them killed and wounded and about 60 prisoners, among whom the men of note were Capt. Pasquereau, Commander of the ship, Capt. John Baptist, with 4 more officers without the loss of one man on our side. Capt. Fenwich and Mr. Mott returned that night, and the prisoners the day following. The 2 sloops early the same morning putt under saile crowding for Sea-wee Bay, when between 2 and 3 a clock in the afternoon the *Seaflower* being about a league ahead, on a suddain tack'd towards the Privateer, acquainting Col. Risbye that they had seen the ship ryding at anchor in the Bay with the yards and topmasts down. It was agreed that the privateer heading the van should board the enemy on the quarter and the *Seaflower* on the bow; in which order with a resolute cheerfullness both of sailors and souldiers wee bore up the helme, when comeing up with the ship and just ready to lay her on board, she strok, cryed for quarters, surrendered their ship, and yielded themselves prisoners, having 4 guns then mounted and loaden and between 80 and 90 able men, among whom was M. Arbousett and severall other officers. On the 6th the sloops with their prize returned to Charles Town, where the great guns from the Batteries and the shouts and acclamations of all the people proclaimed their well-come. We have now in all about 230 prisoners, French and Spaniards, and about 90 or 100 Indians, which they brought with them. And thus through the Providence of Almighty God the malicious designs of our enemies are defeated, and their fleet like a second Spanish Armado, who had the[y] succeeded intended nothing more than the utter ruine of the flourishing Collony. The bravery and conduct of our Genll. the Governor was very remarkable during the whole allarum, who altho' worn out with age and pain forgott nothing of the duty of a great Commander, being frequently on horseback at all hours of the night, to see his orders executed, and infusing by his example life and courage among the people, resolv'd not to outlive the fate of the Province. His worthy son-in-law, Major Genll.

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Broughton is next to be remembered ; the rest of the officers behav'd themselves like men worthy their Generall, and the common people upon all occasions shew'd themselves ready to dye in defence of their country. Capt. Stooke largely contributed to our preservation. The vessels employed in this expedition were. (1) *The Crown* galley, 12 guns, 96 men. (2) *Mairmaid* galley, belonging to Col. Thomas Cary, Governor of North Carolina, who chancing to be here about some private affairs, cheerfully assisted the publick cause. (3) *Richard* galley, Capt. Thomas Spread, 16 guns, 6 patteraroes, 146 men, the bloody pennant flying at his main topmast head. (4) *William* galley fitted on this occasion as a fire-ship, Capt. Kember (5) *Flying-horse* sloop, Capt. Peter Stool, 8 guns and 80 men. (6) *Seaflower* sloop, 100 men, Capt. Wattson. [Add from acct. sent Nov. 19 :—In the French ship we took their field canons being of copper, and their standard being white sarsenet having ye French and Spanish arms at each corner and a green crosse in ye middle, and with this motto *Par le signe de cette crois, vaincre ou mourir pour les deux Rois.*] *Endorsed*, Recd. Nov. 28, Read Dec. 5, 1706. 10½ pp. [C.O. 5, 1049. No. 19; and 5, 1120. pp. 490–508 (covering letter only); and (enclosure only) 5, 1263. No. 128.]

Oct. 4.
Bristol.

518. N. Byfield to Mr. Secretary Hedges. States case of the *Charles* prize and replies to complaints of John Coleman. [See C.S.P. 1705, No. 1274.] *Signed*, Nathal. Byfield. *Endorsed*, Recd. Dec. 3, 1706, Read Feb. 21, 1707. *Addressed*. 3 large pp. [C.O. 5, 1263. No. 136.]

Oct. 4.
St. Xphers.

519. Governor Parke to Mr. Secretary Hedges. *Acknowledges* letter, where you hope I am arrived etc. I have been 3 months arrived ; and I would desire you to remember whose fault it was I arrived no sooner : I solicited for a ship to carry me for allmost a year, and allso for stores, but had not the good fortune to procure either. You order me to enquire into the miscarage of these Islands ; I will informe you in few words ; there is about 300 men on Neviss, and the French landed 3,000, 'tis true they might have done better and killed some of the French, but that is all, for the French at last must have beat them. I went to take deposetions, and I found there was no end ; for everybody complained wth. just caus against their Lieut. Governr. and the C. in C. Col. Johnson, and allso against each other, there is hardly one man but is impeached for a coward or ill conduct by some or other ; so that I found there would be no end of that manner of proceeding, for if every one must be turned out that was in fault I must have turned out all, and where shou'd I have found others to putt in their places ; for Nevis was a rich little Island, but there are but few people, the Island was devided amongst a few rich men that had a vast

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number of slaves, and hardly any common people, but a few that lived in the town; when I muster'd them, I could not gett 200 into the field; Coll. Codrington took the same method to ruin St. Kitts, that is, he granted all the French land to rich men that only sent some negroes to plant the land, by wch. means the Island was not one whit the stronger; those grants are now out, and the Assembly have addressed me to give no grants but to the inhabitants of the Island, or to those that will be obliged to come and settle here, wch. method I take; and encourage all the poor people I can to come and settle here, by giving them grants of land. I should have suspended Col. Johnson had he lived, for I think he was wanting in his duty both before and after takeing of Nevis, for he never went to them till I carryed him thither; but poor man he was not so much to be blamed as Col. Codrington. *Repeats his account of Col. Johnson.* He and Codrington put the people of Nevis to an excessive expence to build fforts wch. are not worth one bit of bread *etc.* You lett me know 'tis necessary for me to live at Nevis or St. Kitts; I have spent most of my time at St. Kitts. I gott at Nevis what they call the feaver of the Island, wch. is in plain English the Plague, for you have the tokens and break out in sores. I thank God I am now well tho in a continuall swett; there is only a small branch devides St. Kitts from Nevis, no broader than the Thames at Long Reach; where I live at St. Kitts I can see into the Harbour of Nevis, nothing can come in but I can discover them and in two hours can be wth. them; 'tis necessary I should be at Antigua some times becaus 'tis ye windermost Island and leys nearest Martineque; so I propose during the rainy season at Antigua, wch. is six months, to live at Nevis and St. Kitts, and the other six months to live at Antigua, and the two Islands have provid[ed] a House for me accordingly, yt. is have settled so much on me to provide myselve wth. one, 'tis a greater service to me to live at one Island, for than I shou'd have one House, *etc.* *Repeats part of following.* You order me to give all manner of encouragement to those negroes that behaved themselves well, there is very little credit to be given to reports, I heard a hundred falce ones before I got there; two negroes behaved themselves very well and those their masters incourage, and I gave them some mony to drink the Queen's health, *etc.* *Signed, Daniel Parke. Endorsed, Recd. Dec. 15. 4 pp. [C.O. 239, 1. No. 15.]*

Oct. 5.
St. Xphers.

520. Governor Parke to the Council of Trade and Plantations. After I had sealed my last packett with the two laws for a provision for a House at Antegua and St. Kitts, I gott the Councill and Assembly of Antigua to signe the inclosed Address, wch. we desire your Lordships to present to the Queen. As the fleet were sayling to Nevis to take up those ships, we met the *Sheerness* who came from Jamica. The Capt. informed me he had lost company of the *Jersey* and *Greyhound* in a storm and that I might expect them every houre; when the fleet arrived at Nevis and St. Kitts, I ordered the Capt. of the *Swan*

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to make a signall for the Masters of the mercht. ships ; when they came on board they were asked if they were willing to stay a few dayes for the *Greyhound*, wch. they all consented too ; accordingly the *Greyhound* and *Jersey* arrived in six dayes, but they are both disabled haveing lost their masts in that storm ; I have much adoe to perswad the Capt. of the *Greyhound*, who is the Commodore, to suffer the *Medway* prize to sayl with the ffeet, tho' he declairs he cannot sayl till he can gett new masts, wch. are not to be had in these Islands ; he has not yett concented, but I hope to perswade him, for I have no power over any of the ships of warr that comes as convoy. We have had an unfortunate accident here, the lightning sett fyer to our magazine on Brimstone Hill, and blew up all the powder, and threw down one bastion of the ffort, killed a Lieutenant and several men, the Island must be at a great charge to maintain the soldiers and new build that part of the fort that is destroyed ; God help us, we are the only unhappy people of the Queen's Domenions ; I brought with me 15 barrills of powder to Nevis from Antigua, for at Nevis they had scarce any. I must send the *Swan* to Barbados to gett more powder both for the *Greyhound* and this Island ; sure I have the hardest taske of all the Queen's Governors tho' the least sallary, four distinct Governements to take care off and nothing to do it with. I hope the affairs of these Islands will mend, for certainly they cant be much worse ; we have no stores, nor men, and the Enemy all round us. Mr. Poggson is not yet tryed, I can get no Attorney Genll. ; I made one at Antigua to try Capt. Sanderson, the Attorney Genll. had no fee, but the Councillor that was for the prisoner had 20 pistols ; 'tis worth your consideration to gett some sallary settled on the Attorney Genll. ; I can not aske the people to settle any, they are at so great a charge to defend their Islands. I have given a Commission to Major Genll. Hamilton, the Lt. Governor of St. Kitts to be Governr. of Nevis in the room of Col. Johnson, and Col. Lambert, the President of the Council of St. Kitts, I have made Lieut. Governor of St. Kitts, they are both very good men, and have been uppon all the service in this part of the world ; these Gentlemen are very agreable to the Gentlemen and Inhabitants of these Islands, and I think at this juncture they ought to be gratefied, therefore hope your Lordships will have them confirmed. *Signed*, Daniel Parke. *Endorsed*, Recd. Dec. 17, 1706, Read Feb. 10, 1707. *Holograph*. 3 pp. [C.O. 152, 6. No. 72 ; and 153, 9. pp. 439-443.]

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521. Mr. Thurston to the Council of Trade and Plantations. The disbursements of the Commanding Officers at Newfoundland for provisions have arisen cheifly by the late arrival of H.M. provisions from England. *Proposes* that in such case the officer be obliged to repay himself out of the provisions when they do arrive. However the yearly provision from England may for the future be reckoned on from every 1st of Nov. As making good damaged provisions has been sometimes found a charge upon H.M., Commodores may be directed to make a strict survey

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of provisions on their arrival, and make good out of ships of war. Provisions for prisoners, or the case of Capt. Moody can be brought under no regulation. The present allowance for contingencies, 50*l.* yearly, is designed only for fire and candle for the company, and found, since the late encrease of the garrison, to be too little for that service. *Signed, J. Thurston. Endorsed, Recd. Read Oct. 8, 1706. 3 pp. [C.O. 194, 3. No. 168; and 195, 4. pp. 291-293.]*

Oct. 7. **522.** Governor Parke to the Council of Trade and Plantations. *Repeats part of Oct 5. Signed, Daniel Parke. Endorsed, Recd. Read Dec. 5, 1706. 1 p. [C.O. 152, 6. No. 66; and 153, 9. pp. 417, 418.]*

Oct. 7. **523.** Caleb Heathcote to the Council of Trade and Plantations. A proposal for fitting out men of war and building frigates in America at half the present cost in England. *Signed, Caleb Heathcote. Endorsed, Recd. Nov. 26, 1706. Read Feb. 21, 1709. 2 pp. Enclosed,*
 523. i. Estimates for above scheme. Oct. 4, 1706. *Signed, Caleb Heathcote. 3 pp. [C.O. 5, 1049. Nos. 25, 25. i.; and 5, 1121. pp. 2-12.]*

Oct. 8. **524.** R. Mompesson to the Council of Trade and Plantations. *Returns thanks for their approbation of him as Chief Justice and Councillor, etc. I think ye best method is in all things (as far as conveniently may be) to observe the laws and statutes of England, and the practice of Westminster Hall. And I have had so good success therein, I may already say of this Province, that I should have no cause to be ashamed if any Record were removed hence by writt of error etc. And I hope in a term or two I may say the same of New Jersey, wch. I found without any scheme, or plan, of Law or Justice. Praises the Governor, who never interposes with ye proceedings of the Courts, but is still ready to hear anything that comes regularly before him. But there has been no writ of error brought from ye supream Court in either Province since I have ben concerned there, etc. On Mr. Pen's proposal before I left England, and request since, and ye invitation of the Lieut. Governor of Pensilvania and others there, I officiated as Cheif Justice of yt. Province and the Lower Countys in the Spring, and thought to have don so again this fall. But their Ordinance, or Act of Assembly, for establishing their Courts having been rejected in England, there must be a new establishment by the Governour and Assembly. At wch. time, if they give me any suteable encouragement and a power of doing them good, wch. I searce had by their last ordinance, I shall be ready to serve them: their Courts not interfering with those of York or New Jersey. Signed, Roger Mompesson. Endorsed, Recd. Nov. 25, 1706, Read Feb. 28, 1709. Holograph. 3 pp. [C.O. 5, 1049. No. 27; and 5, 1121. pp. 13-15.]*

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525. Governor Dudley to the Council of Trade and Plantations. I humbly acquainted your Lordships by Mr. Popple on Sept. 7, which being an uncertain conveyance, I therefore now repeat. That I had a number of French prisoners belonging to Port Royall, and they had near an equall number of mine, and some that belonged to Virginia taken at sea, which I was willing to exchange, and accordingly sent a sloop to Port Royall on that score. The Master I employed was one Rouse, who foolishly and wickedly agreed with a fishing vessell or two to follow him, and hoping for some gain, carried trade with him, cloaths and grain, and at the same time one other vessell managed by Capt. Vetch, that came from Darien when that place broke up, was concerned also, and say'd to the Poynt of Cancer on the back of Newfoundland; I had soon advice thereof and they were all apprehended and committed to prison, and the people thereupon in a very great displeasure, that anybody should be so wicked as to labour to supply the Indian rebells that were fled from us, and whose planting these three years I had prevented by very hard marches of the Queen's subjects into all the remotest parts of their Settlements. The Generall Assembly being sitting at the time, I allowed them to take cognizance thereof, as the Charter doth admit, and upon a long hearing and process six of the said persons are fined as the inclosed account containys. The Acts of the Assembly are now laid before your Lordships, and I have underwritten and agreed the Acts severally with these words, "saving to H.M. her royall prerogative referring to the fines as I am commanded." I am humbly of opinion that the fines are beyond the power of some of them (especially Rouse) to pay, and would have been glad they had all been moderate about the one half; to which if H.M. will of her royall grace please to remit them, or however it shall please H.M. to dispose, I most humbly and absolutely submit it to her royal pleasure. I am sensible that the persons in their applications to your Lordships and elsewhere will reflect upon some methods in the Proceedings especially of the House of Representatives, but when it shall be remembred that they are farr distant from home, of less education and knowledge in the Law, and in a very great displeasure against traders with the enemy, aggravated by a hard pressure of the enemy, at the very instant when this was discovered, it will go a great way in their excuse. It was a very difficult thing for mee to keep the people within bounds in their displeasure, and I was something fearfull of an outrage upon the delinquents, but it is well over, and the proceeding of the Generall Assembly. The members will to be sure use their endeavours to make it look well and satisfactory to the people everywhere, and no other Court could have done the same. I assure your Lordships that I was never more sorry for anything in my life than that so ill and inconvenient a thing should happen to enrage the people while they are under so heavy taxes and hard service to starve and destroy the enemy; that I have used all possible means in my power in the proceedings to have them moderate as well as reasonably satisfactory in so publick a case;

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that I have no animosity to any the persons delinquents, who had suffered to the last degree, if I had not with all the skill I have laboured to quiet the people ; that I shall be very glad of H.M. favour to any or all of them, as well as to all her good subjects in the Government, who are at this time patient of the utmost charges and heavy service for H.M. honour as well as their own support. *Repeats part of following.* I further humbly acquaint your Lordships of the receipt of your Lordships' letter of May 31, commanding a Thanksgiving to Almighty God, which I have ordered to be celebrated on Thursday, Oct. 17, and doubt not but all H.M. said subjects will devoutly do their duty, and acknowledge such unspeakable favour to their Sovereign and nation, wherein they have their share. *Signed, J. Dudley. Endorsed, Recd. Nov. 25, 1706, Read Feb. 28, 1707. 2½ pp. Enclosed,*

525. i. Certificate that the following are authentic copies. *Signed, J. Dudley. 1 p.*

525. ii. Copies of the accusations, affidavits and proceedings July 12—Aug. 7, 1706, against John Borland, Saml. Vetch, Roger Lawson, William Rouse and Ebenezar Coffin for trading with the French etc., *as above.* (Cf. Oct. 21.) *Endorsed, Recd. Nov. 25, 1706. 23 pp.*

525. iii. Proclamation for a Day of General Thanksgiving on Oct. 17 for H.M. victories, the defence of the plantations, "the plentiful Harvest after the immoderate rains and excessive floods in the beginning of the summer ; for the great measure of health, the return of many of our prisoners etc." *Signed, J. Dudley. Boston, Sept. 19, 1706. Same endorsement. Printed. 1 p. [C.O. 5, 864. Nos. 134-138 ; and (without enclosures) 5, 912. pp. 300-306.]*

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526. Governor Dudley to Mr. Secretary Hedges. My last to your honour was on April 23, since which I have the honour of yours of May 9, with directions about the Admiralty's fees, which I shall forthwith cause the Register to enter in his book, as also your Honour's letters of May 30, with the joyfull news of the glorious progress and success of H.M. armes everywhere, which is very farr advanced since, as I h[ear] by the news from Lisbon directly, and shall as I am commanded use all methods to let the Spaniards in the West Indies know it to advantage, and I believe it will be m[ost] certainly welcome to them. All H.M. shipp[s] from Jamaica and Barbadoes are [gone] down into the great Bay, towards Port-Abell [Porto Bello] in quest of the French shipp[s], and I hope carry this good news with them to give it to the Spaniards, and our Privateers in the Indies have been so busy that they have taken 5 of D'ebervill's prizes carryed from Nevis, in which most of their Treasure was, and brought them into several parts. The middle of Sept. 6 French shipp[s] came into South Carolina and demanded the place. Sir Nathaniel Johnson was so ready as upon [their] landing to kill 60, and take 250 prisoners, and one of their shipp[s], and they are

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gone off. In these Provinces I have had the French and Indians in 3 small marches upon me this summer of 100 in a troop, who spread themselves like Raparees all over the frontiers, and thereby put me to a greate cost in garrisoning and scouting but have done mee no other harm, and I have o[bliged] the French Governour to restore mee my prisoners the Indians at the first erup[tion] took from mee, and I am in a much more secure posture than in any former warr and the people very easy and satisfied, the contrary to which having as [we are] informed been offered to H.M., I have allowed the military officers of 11 Regiments, the Ministers and principall merchants of the Country to make [their humble] Addresses to H.M., Mr. Phipps, their Agent, will wait upon your Honour with them for direction therein. I have got nothing here since my coming. The allowance the Assembly make is not worth 350*l.* sterling *per annum*, but they will do more in peace. I would not have all the hardship and another the profit, but I humbly and absolutely reffer myself to H.M. favour, and desire to have it no longer than I shall strictly and successfully do my duty. Soon after the assault and ravage the French made upon St. Christophers, and their distress thereupon, I gave out a Brief for a charitable [colle]ction thro'out this Province, which amounted to about 700*l.* [wh]ich by the Commissary Generall I layd out in provisions, fish and flesh, and have [sen]t it to the Government of the said Island, in two vessells, one of them is already [arr]ived there, and the other gone, I hope it will be an acceptable service to H.M. to have this Province notwithstanding their trouble and distress to shew their [du]ty to their Nation. I continue humbly to pray that if it be possible these Provinces may [ha]ve the favour to be visited and assisted with a proper strength for the [sub]duing of Canada and Nova Scotia, without which it were better if H.M. [saw] meet that I did accept the truce they have offered mee these two years, not [that] they can do me any great mischief, but that they put mee to an infinite [cost] to guard the frontiers, which would thereby be saved, and they know that tho I have men enough, I cannot ruine Quebeck without 4 or 5 of H.M. [shi]ps and some mortars. Inclosed is the answer of the Judges of H.M. Superior Court of this Province for their refusall of Lawson's appeal *v.* Serjeant, which I was commanded by H.M. in Council to send home, and I humbly pray your Honor will let be presented, the order of Council was signed by Mr. Musgrave. Signed, J. Dudley. Endorsed, R. Nov. 26, 1706; and Recd. [from Mr. Sec. Hedges] Dec. 3, 1706, Read Feb. 21, 170*7*. Edges torn. 2 pp. [C.O. 5, 864. No. 85; and 5, 912. pp. 228-232.]

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Boston.

527. Mr. Addington to Wm. Popple. The subscribers of enclosed are Members of Council and principal merchants within this Province, etc. Signed, Isa. Addington. 1 p. Enclosed,

527. i. John Foster and Andrew Belcher to [? Mr. Addington]. H.E. having communicated unto us a clause in a letter from John Colman to the Council of Trade and Plantations,

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that the owners of the *Charles* could not obtain a commission from him for her as a privateer, we make bold to observe that we have alwaies perceived a forwardness in H.E. to encourage privateers, and Commissions have been granted to many. At the time of that application, seamen were extreemly scarce and a considerable fleet was then preparing for the West Indies. The merchants seem'd very much concerned that a vessel that carryed a great number of men should be fitted out as a privateer to the obstruction of trade, and ourselves with others pray'd H.E. that they might not then have a Commission. *Signed*, John Foster, Andrew Belcher. *Endorsed*, Recd. Nov. 25, 1706, Read Feb. 28, 1707. 1 p. [C.O. 5, 864. Nos. 145, 146.]

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Boston.

528. Same to Same. Encloses Acts, Journals of Assembly, and Minutes of Council, *etc.* *Signed*, Isa. Addington. *Endorsed as preceding.* *Addressed.* 1½ pp. [C.O. 5, 864. No. 147.]

Oct. 10.

529. The Royal African Company to the Council of Trade and Plantations. Having by direction of your Loshps. viewed the Act of Barbadoes *for establishing a paper credit*, we are of opinion that ye forcing a paper credit in this manner will of consequence be very prejudicial to all merchants traders to said Island, and that unless a circulation had been provided for, that all persons might have money for said paper on demand, it must inevitably occasion a discount on said paper-credit, and consequently in buying and selling of goods ye payments in paper must be considered, and cause a difference in prices betwixt that payment and money, whereby it will be a very great loss to us, the Royall African Company, and to all those who shall be forced to take their present debts in paper, which loss may be more insupportable by reason of the uncertainty of the discharge of said paper at ye expiration of the said Act. The hardships and inconveniencies put upon ye traders by reason of this foret credit will doubtless be a very great obstruction and discouragement to ye future trade and navigation to said Island, and doe pray your Ldshps.' intercession to H.M. that ye said Act be timely disannulled. *Signed*, John Pery, Sec. *Endorsed*, Recd. Read Oct. 10, 1706. ¾ p. [C.O. 28, 9. No. 55; and 29, 10. pp. 132, 133.]

Oct. 10.
Boston.

530. Mr. Addington to Mr. Popple. *Refers to possible appeals of Rouse etc. [see Oct. 8], and encloses copies of his instructions, whereby all trade is plainly restrained, etc.* But he managed a trade both with the French and Indians by himself and others *etc.* *Signed*, Isa. Addington. *Endorsed*, Recd. Nov. 25, 1706, Read Feb. 28, 1707. *Addressed.* 1 p. *Enclosed*,

530. i. Copy of Minutes of Council of the Massachusetts Bay, April 17 and 26, 1706, instructing Capt. Rouse to

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ransome some English ships at Port Royal. *Endorsed as preceding.* 3½ pp. [C.O. 5, 864. Nos. 148, 149; and (without enclosure) 5, 912. pp. 310, 311.]

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Boston.

531. Governor Dudley to Mr. Popple. This accompanies all the papers from both provinces *etc.* These provinces I thank god are in good order, well satisfied, better secured then in any former warr. I pray your favour in my affayres. I have lived ever since I came hither in a hurry of warr and trouble with the Indians, while all the other Govermts. are at peace *etc.* *Signed,* J. Dudley. *Endorsed,* Reed. Nov. 25, 1706, Read Feb. 28, 1707. *Holograph.* 1 p. [C.O. 5, 864. No. 140; and 5, 912. pp. 307-309.]

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Boston.

532. P. Dudley, Attorney and Advocate General of the Massachusetts Bay, to the Council of Trade and Plantations. Encloses following in reply to Mr. Colman's "foolish and groundless aspersion." The sale was public and there was another negro sold at the same time at the same price *etc.* The Judge never asked above 5 p.c. for the condemnation of that prize *etc.* Your Lordships had never been troubled with that Gentleman's complaints, but that, contrary to his trust as Receiver, he has for the most part himself bought the prizes that have been imported to this place, *etc.* *Signed,* Paul Dudley. *Endorsed as preceding.* 2½ pp. *Enclosed,*

532. i. Certificate that a negro boy taken from the pirate John Quelch, was bought by Paul Dudley for 20*l.*, the highest bid at a public sale at William Skinner's, the Swan Tavern, after some days notification in public places. Boston, Oct. 6. 1705. *Signed,* N. Shannon, Vendue-master. *Endorsed,* Reed. Nov. 25, 1706. 1 p. [C.O. 5, 864. Nos. 150, 151; and (without enclosure) 5, 912. pp. 312-315.]

Oct. 12.
St. Johns
in Newfound-
land.

533. Major Lloyd to Mr. Secretary Hedges. I received yours of June 6, and give you my humble thanks for your kiend caution to me of my behaviour, *etc.* As soon as ye shypps departed this land last year, I thought it my duty to view Platientia, which accordingly I did, and to all outward appearance it seemed to me to be in a very weake and careless condition which oppinion was soon after confirmed by a party of French we took att Ferryland, who gave out that there was not above 350 inhabitants and soldiers that wintered there. This spring I made ye inclosed proposall to ye inhabitants of St. Johns, for attempting Platientia, which had they condescended to, I do not question but we should have succeeded; 42 masters of families signed for it, but could not prevaile with ye majority. The 10 of May last I went agen towards Platientia, on ye 14th I took a strict view of it, and on ye 17th do. arrived back att St. Johns. Haveing had a report here this summer of a squadron of men of warr being intended for this land, in order to reduce ye French, I take leave to offer my oppinion. Every one yt.

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knows Placentia must allow ye entrance of ye harbour to be in breadth not above 50 fathom, cross which there is a strong chaine yt. runs slanting on ye Lower Fort, which has in it 36 pieces of canon, ye muzzles of which may almost be said to touch ye shypps in goeing in, and if one be sunk (which to me is almost impossible to be otherwise) ye rest cannot pass; neither can they returne, by reason of ye strong tides there; Further, suppose they do get into ye harbour, they are of no further use then landing men in order to attack ye Ports by land; therefore I humbly conceive ye sending of men of warr to Newfoundland in order to ye reduceing Placentia are of no further use then ye transporting of land forces, which must be considerable, if in ye summer time, in consideration yt. ye French generally have about 3,000 men att Placentia durence their fishing season. Ye reduceing Placentia is best to be effected by 4 or 500 men, who shall depart England ye middle of August, and make the best of their way to a harbour called Capelin Bay, being 13 leagues to ye southard of St. Johns, giveing ye commanding officer of the garrison of St. Johns (and none else) an acct. of their arrivall; If att any time H.M. approve of this my proposall, I do engage to effect ye service; and would without dispute have done it last year, had ye troops, intended, arrived. After we took a party of French att Ferryland last winter, they have not since molested any part to ye southard of St. Johns. March 2nd. I pursued a party of French of 27, who were in Consumption Bay, tooke some of their Indians prisoners, but could not come up with ye rest, since which that Bay has not been disturbed; durence my absence this time, 5 French and 2 Indians came to St. Johns and burnt an empty house, and did no other damage. *Repeats part of Sept. 13.* So that all ye damage ye English in this country received since my last comeing is ye burning an empty house att St. Johns, and ye carrying away one boat load of fish from Trinity Harbour, and I am not under ye least apprehension of any damage the French can do us this winter, etc. *Signed, Tho. Lloyd. Endorsed, R. Nov. 26. Recd. (by the Board of Trade) Dec. 3, 1706, Read Jan. 17, 1707. Holograph. 3 pp. Enclosed,*

533. i. Major Lloyd's Proposal to the Inhabitants of St. Johns. The English in Newfoundland are 3 times the number of the French, and I think the surprising of Placentia very feasible. I can have from Carbonier, Little and Great Bell Isles between 2 and 300 men, if you at St. Johns will agree that one half of your men should goe, I will lead them etc. *Same endorsement. 1½ pp.*

533. ii. Stores of war proposed by Major Lloyd to be sent next year, if his proposal for taking Placentia be approved. *Signed, Tho. Lloyd. Same endorsement. 1 p.*

533. iii., iv. Captains of H.M. ships of war at Newfoundland to the Council of Trade and Plantations. The Addresses to H.M. and your Lordships were signed voluntarily. *Signed, Jon. Underdown and four others. 2 pp.*

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533. v. Traders and Inhabitants of St. Johns to the Queen, Sept. 24, 1706. Return thanks for "the late great instance of your Majesty's Royal favour of leave to form ourselves into a Militia, the only means that cou'd have inabled us to be serviceable," *etc.* Praise Major Lloyd's unwearied bravery. *Pray* that he be continued in his command and that his pay be increased *etc.* 95 signatures. *Endorsed*, Recd. Dec. 3, 1706. 1 large p.
533. vi. Commanders of Merchant-ships at Newfoundland to the Queen. In praise of Major Lloyd *etc. as preceding.* He supplied necessary provisions to the inhabitants at reasonable rates *etc.* 59 signatures. *Same endorsement.* 1 large p.
533. vii. Inhabitants of Newfoundland to Mr. Secretary Hedges. *Pray* that their appreciation of Major Lloyd and his officers may be laid before H.M. 85 signatures. *Subscribed,*
533. vii(a). Commanders of ships at Newfoundland to same. The above was signed voluntarily. 36 signatures. *Same endorsement.* 1 large p.
533. viii. Inhabitants of Consumption Bay to the Queen. Major Lloyd has scoured the country and secured us from the enemie, to whome by ill management and misbehaviour of our late Officer we lay most miserably open. *Pray* that he may be continued in command *etc.* 39 signatures. 1 large p. [C.O. 194, 4. Nos. 2-9 (not including No. vii); and (not including No. ii.) 194, 22. Nos. 70, 70. i.-vii.]

Oct. 12. **534.** Affidavits sworn before Commodore Underdown, Newfoundland, Oct. 12, 1706. *Repeat* Nos. 173-189. 16 pp. [C.O. 194, 24. No. 1.]

Oct. 12. **535.** Paul Dudley to Mr. Secretary Hedges. I troubled your Honour some time since with an Address referring to proper fees for our Court of Admiralty. *Acknowledges receipt* of table of fees, to which we shall in all things conform ourselves, altho it can't be thought that our proceedings can in all things answer and come up to what they are at home, but are in a more summary way, and yet convenient enough for our present circumstances. The table of fees relates to prizes of the Crown only; our difference has been hitherto only with privateers or their owners of whom we have hitherto demanded 5 p.c. upon the value, to be divided one half to the Judge, and so in proportion to the other officers of the Court, and have thought it very moderate, considering that the poorest ffactor in this country makes as much of his business, and especially when the Courts of Admiralty in Virginia and Maryland have constantly taken, and do still take, some 15, some 18 p.c. for fees on such prizes. We have not had above 8 or 10 prizes this warr, and indeed the whole business of the Admiralty is so very small, and the Court itself, being by comission from the Crown, so obnoxious to some of

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our Gentlemen, that it will be much for H.M. service and interest to have the several officers encouraged with a handsome allowance in the matter of prizes. *Refers to the case of the Charles lately condemned in this Court.* I hope as soon as may be we shall have your Honour's final determination and direction. The Gentlemen concern'd kept your Honour's Inhibition in their pockett near 18 months before ever they serv'd it upon the Judge or officers of the Court. *Signed, Paul Dudley. Endorsed, R. Nov. 26, 1706. Reed. (by the Council of Trade) Dec. 3, 1706, Read Feb. 21, 1707. Addressed. Holograph. 1½ pp. [C.O. 5, 864. No. 86.]*

Oct. 13.
Boston.

536. Lt. Governor Usher to the Council of Trade and Plantations. From time to time by severall conveyances I gave your Lordps. an account of the state of this Province [*? New Hampshire*], at all times made it my business to follow and put in execution all orders and directions from H.E., by reason no provision made for lodging and dyett by the Province I have bin more absent from the same than otherwise should. As to H.E., has taken care for repairing the Fort, and is now in good posture of defence, tho' when I arived could not fire three guns to doe service, the command of the Fort in good hands, and due care taken. The French and Indjan enemy last sumer quiett, this sumer about 300 from Canada disperst themselves in small parties on frontier places of the Massathusets Government, by H.E. prudent care, next under God, the enemy met with such a repulce wherever they made an assault, went of with greater loss then gaine. Wee expect no peace untill the French at Port Royall and St. Johns be subdued, wch. by command of a good souldier, may easily be effected, must say we have not any here fitt for service. H.E. hath admitted Major Vauhan to be of the Councill, with humble submission did here him say the King ought not to have the Govermt., but the People. I charged him with imbezeling the Books of Records, and especially the booke in 83, 84, 85, wch. Booke there is 23 leaves cutt out, which was the judgements Mason obtained against the People, are all cout out, and still keepes the Records by H.E. order. Also when Vauaghn was Treasurer, disposed of the money contrary to the grants, all wch. I am ready to prove. *Repeats charge against Partridge.* As to the Massathusets Govermt., there were sundry persons traded with the French and Indjan enemy, supplying them with armes, ammuniton, provisions and clothing. It is supposed the Indjans made use of some to destroy H.M. subjects, both in New England and Newfoundland. They were tryed by Governor and Councill and Assembly, for heigh misdemeanors, had mults lain on them, all wch. I judge H.E. will give you an account of. If the Records of tryall should be sent over, their will appaere very great villany, and had the matter bin strictly examined, severall great persons would have bin found concern'd. As to lumber, pitch, tar, etc., I humbly offer, in case the Laws made by the Govermt. here were put in execution, would answer the end, with an order to the Governor here to take care of the

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same, may salve the charge the Crowne is now at. As to any orders from your Lordps. H.E. has not thought to communicate the same to me, soe not capable to answer. I have serv'd the Crowne many years, in which I have spent my time and estate in H.M. service, yet never had lodging nor dyett allowed me to this day. I value my reputation to be true to the trust reposed in me, hope your Lordps. will take the same into consideration. *Signed*, John Usher. *Endorsed*, Recd. Nov. 25, 1706, Read March 28, 170 $\frac{5}{8}$. *Addressed*. *Holograph*. 2 pp. [C.O. 5, 864. No. 176; and 5, 912. pp. 340-342.]

Oct. 14.
Virga.,
Williamsburg.

537. Mr. Jenings to the Council of Trade and Plantations. The convoy with our great fleet of mercht. ships sayled Sept. 17, etc. Altho nothing of moment hath since occurred I think itt my duty not to omitt any oppertunity of acquainting your Lordps. of the quiet state of the country, and yt. our encouraging cropps as well in quality as quantity are gott well into the houses, where in probability they may for some time lye, here being but five small ships in the Govermt., and little expectation of any from England, the consigneing Planters being more desirous to lett their tobacco for some time lye, than transport itt after soe large a fleet, yett ships with goods would bee welcome, being soe great a want that some parts of the country are promoteing and applying themselves for the makeing of linnen and woolen, wch. an early and good supply in some measure would dash. I have transmitted a list of such Patents that are prepared to bee signed att the usual time in Oct. for your Lordps.' consideration. The stop that must bee putt to them I am doubtfull may cause a murmuring, and itt would bee very satisfactory to have your Lordps.' resolutions and commands therein. *Signed*, E. Jenings. *Endorsed*, Recd. 20th, Read 24th Jan., 170 $\frac{5}{8}$. *Holograph*. 1 $\frac{3}{4}$ pp. [C.O. 5, 1315. No. 38; and 5, 1362. pp. 90, 91.]

Oct. 14.
New York.

538. Governor Lord Cornbury to the Council of Trade and Plantations. On Jan. 17, 170 $\frac{5}{8}$, a man of this town, one Jackson, came to acquaint me that two Ministers were come to town, one from Virginia, and one from Maryland, and desired to speak with me. I said they should be wellcome to come to dine with me, and then I found by their answers that one, whose name is Francis Mackensie, is a Presbyterian preacher settled in Virginia, the other, John Hampton, is a young Presbyterian Minister lately come to settle in Maryland. They talked of indifferent things, they pretended they were goeing towards Boston, they did not say one syllable to me of preaching here, nor did not ask leave to doe it, they applyed themselves to the Dutch minister for leave to preach in the Dutch Church in this town, who told them he was very willing provided they could gett my consent, they never came to me for it, they went likewise to the Elders of the French Church, they gave the same answer, all this while they never applyed themselves to me for leave, nor did they offerr to quallify themselves as the Law directs, but on the Monday

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following I was informed that Mackensie had preached on the day before at the house of one Jackson, a shoemaker in this town, and that Hampton had preached on Long Island, and that Mackensie after having preached here on Sunday was gone over to Long Island with intent to preach in all the towns in that Island, having spread a report there that they had a Commission from the Queen to preach all along this Continent. I was informed on the same day from New Jersey that the same men had preached in severall places in that Province, and had ordained after their manner some young men who had preached without it among the Dissenters, and that when they were asked if they had leave from the Government, they said they had noe need of leave from any Governour, they had the Queen's authority for what they did. These reports induced me to send an order to the Sherrieff of Queen's County on Long Island to bring them to this place, which he did Jan. 23 in the evening the Attorney Generall was with me, I asked Mackensie how he came to preach in this Government without acquainting me with it, and without quallifying himself as the Law requires, he told me he had quallified himself according to Law in Virginia, and that having so done he would preach in any part of the Queen's Dominions as well as Virginia, and that the licence he had obtained there, was as good as he could obtain here, I told him that Virginia was part of the Queen's Dominions as well as this Province, but that they are two different Governmts., that no order or law of that Province can take place in this *etc.* He told me he understood the Law as well as any man, and that he was satisfied he had not offended against the Law, that the penall laws of England did not extend to and were not in force in America, to which the Attorney Generall replied that if the penall Laws did not take place in America, neither did the Act of Toleration, nor is it proper, said he, that it should, since the latter is noe more then a suspension of the former, Mackensie said that the Queen granted liberty of conscience to all her subjects without reserve. I told him he was soe farr in the right that the Queen was gratically pleased to grant liberty of conscience to all her subjects except papists, that he might be a papistt for all that I knew, under the pretence of being of another perswasion, that therefore it was necessary he should have satisfied the Governmt. what he was before he ventured to preach, upon that he told me that he would quallifye himself in any manner, and would settle in this Province. I told him whenever any of the people of either of the Provinces under my Governmt. had desired leave to call a Minister of their own perswasion, they had never been denied it, but that I should be very cautious how I allow'd a man so prone to bid defiance to Governmt. as I found he was, he said that he had done nothing that he could not answer, soe I ordered the high Sherrieff of this City to take them into his custody, and I directed the Attorney Generall to proceed against them according as the Law directs, which he has done by preferring an indictment against Mackensie for preaching in this City without quallifying himself as the Act of Toleration directs, the Grand Jury found

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the Bill, but the Petty Jury acquitted him, soe he is gone towards New England uttering many severe threats against me. As I hope that I have done nothing in this matter but what I was in duty obliged to doe, espetially since I think it is very plain by the Act of Tolleration it was not intended to tollerate or allow strowling Preachers, but only that those persons who dissent from the Church of England should be at liberty to serve God after their own way in the severall places of their abode without being liable to the penaltys of certain Laws, soe I intreat your Lordships' protection against this malicious man, who is well known in Virginia and Maryland to be a disturber of the peace and quiet of all the places he comes into, he is Jack of all Trades, he is a preacher, a Doctor of Physick, a Merchant, an Attorney, a Councillor at Law, and which is worst of all a Disturber of Governmts. I should have sent this account sooner but that I was willing to see the issue of the Tryall. *Signed, Cornbury. Endorsed, Reed. July 31, Read Aug. 17, 1708. Copy. 3 pp. [This duplicate was enclosed in Lord Cornbury's letter of Feb. 10, 1708.] [C.O. 5. 1049. No. 92; and 5, 1121. pp. 319-323.]*

Oct. 15. **539.** F. Duport to [*the Board of Ordnance*]. When the merchants etc. concerned in St. Kitts and Nevis made their last application for relief, Mr. Sec. Hedges replied that H.M. had ordered such care shou'd be taken of them as to satisfye all reasonable persons etc. I find that no small arms or fire-locks have been ordered for St. Kitts amongst the divers stores shipt on two transport ships for the use of both Islands, this particular being what the people there want most for the defence of their forts, several of their own having burst in the late French invasion. 400 small arms and 6 barrells fine powder, screws etc. the least. *Signed, F. Duport. [C.O. 239, 1. No. 14.]*

Oct. 15. **540.** Merchants trading to Barbados to the Council of Trade and Plantations. Your Lordships having been pleased to communicate to us an Act of Barbados for establishing a method of credit there, and required our opinion of it, we thankfully acknowledge your Lordships' favour, etc. We are apprehensive that it will prove of very pernicious consequence, not only to particular persons, but also to the whole Island in generall, will introduce greater necessitys than it pretends to relieve, and can be of noe reall advantage to any other than the person appointed by the Act to issue out the Bills of Credit, and to his clerks and under-officers, which our opinion is grounded upon the reasons following. (1) This Act compelling an acceptance of these Bills under a large penalty, all creditors by mortgage, judgements, bonds or other securitys, who lent their money at interest, and perhaps would continue that credit untill the debtors are better able to pay than they are at present, will be oblig'd to accept these Bills which carry no interest to the creditors, and must either part with them at a large discount, or keep them till the 5 years appointed for the continuance of this Act expires; which will be 50*l.* loss upon every 100*l.*, and destroy credit in that Island

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for the future. (2) Absent creditors, to whose Agents or Attorneys any Bills shall be tenderd in payment, may loose a great part or the whole of their debts; for if the Agent or Attorney refuses these Bills, he forfeits half the value of 'em, and if he takes 'em and does not present them to the Treasurer within 20 days after the year from the date of 'em expires, the Bills are to be voyd, and the Treasurer discharged from receiving 'em. This gives encouragement to the corrupting of Attorneys and Agents, and leaves the principall creditor without money. (3) This Act likewise compelling an acceptance of these Bills in satisfaction of contracts, few, if any, persons will import provisions or other necessarys for life into this Island; or if they doe, will raise the price of 'em proportionable to the losse they must sustain by keeping such Bills till the Act expires, or by the discount they must make upon tendering them in payment. This consequence will affect all the inhabitants equally, and make those who have Reall Estates, tho' under no pressure of debts, to take up Bills of Credit in their own defence, and such who have no Reall Estates, and therefore cannot take up Bills of Credit, must eat, drink and be clothed at greater expence than before, and be thereby reduced to poverty. (4) The discount that will attend these Bills, and the rise of provisions thereby will occasion the rise of sugars and other product of the Island; the consequence of wch. will be that the sugars, etc. sent from Barbadoes hither, must either not be sold at all, or at a greater losse than that Trade can bear, unlesse all our sugar-plantations were under the same circumstances. (5) Though the Bills issue from the publick, the ffunds out of which they are to be paid are private or very uncertain ones, and such as are not so sufficient a security as persons under a necessity of receiving them ought to have. For the ffunds are the Estates of such as take up the Bills of Credit upon their obligations, which are therefore to be given to the person issuing out these Bills, and to be in the nature of Judgments at Law, and in case of insolvency of the obligers, the 3*l*. *per cent* interest payable on those obligations is to be applyed to the payment of the Bills issued to such insolvents, or those Bills are to be made good by the publick out of the first ffunds that shall arise, by a warrant from the Governor for the time being, with the consent of the Councill. This provision is neither safe nor sufficient, and depends too much upon the single understanding and integrity of one man, viz. the person issuing out these Bills. For he is sole judge of the titles of the Estates to be charged, tho perhaps not skilled in the Law, and may issue Bills to persons upon insufficient titles. The obligations are to be made to him and kept in his custody, and are not ordered to be recorded and if they should be stolen, lost, destroyd, or carryed from the Island, or if he should refuse to issue out warrants upon 'em, the debts are lost, or the publick must bear the burthen: for the security of 20,000*l*., which such person gives for ye due execution of his trust, is not adequate to the great trust repos'd in him, and that security may likewise prove defective. Negroes which are

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declared part of the security for the Bills to be issued, and are the only Reall Estate some persons have, are subject to so many contingencys as render them a very slender security, and not fit to be forced upon any man. The provision against counterfeiting Bills, by ordering them to be endorsed by all persons tendering them in payment, extends only to Bills of 11*l.* value, and to none under that summe, which leave encouragement to counterfeit Bills of less value, and the Forgers may goe off from the Island before they are discover'd. If any considerable losse should happen by any of the accidents abovementioned, or through the insolvency of the obligers, which the 3*l. per cent* will not satisfy, future Assemblys may refuse to raise any fund to make good such losse. But if none of the accidents abovementioned should happen, there is not sufficient encouragement for purchasing the lands of such persons who will not or cannot pay the money due on their obligations when the Act expires. For the sale is to be made without any judicall proceeding of Record upon the bare warrant under the hand and seal of the person issuing out ye Bills, and by a Bill of Sale from the officer to whom it is directed, without any return to be made by him on record, and if the warrant for the sale shall happen to be lost or destroyed, or the officer who executes it makes any mistake by deviating from or exceeding his warrant, the sale may be impeached, and the purchaser lyable to be evicted, and if there should not be purchasers, or sufficient money in the Island to pay for the lands expos'd to sale, this Act must be repeated [*? repealed*] or the Island depopulated. The allowance to the person issuing the Bills is very extravagant, ffor if Bills of Credit to the value of 200,000*l.* should be issued (as 'tis probable there will) and continue soe for 5 years, that person will have actually received 50,000*l.* down for his trouble and for the salarys of his clerks and officers, and the creditor who us'd to have interest for his money will have none, and have paper only for his principall to be answered by a precarious ffund. *Pray* that the Act may not have H.M. approbation. *Signed*, George Lillington, E. Chilton, Rich. Bate, Guy Ball, Rd. Scott, James Gohier, David Miln, Edward Alanson, Thomas Ward, John Saile, Jonath. Leigh, John Dersley, Edward Lascelles, Matthew Matson, Abrah. Mendez, R. Hallett, Richard Haynes, Jno. Donaldson. *Endorsed*, Recd. Read Oct. 15, 1706. 6½ *pp.* [*C.O.* 28, 9. *No.* 56; and 29, 10. *pp.* 134-142.]

Oct. 16.
New York.

541. Governor Lord Cornbury to Sir Charles Hedges. Your letter of July 13, 1705, was delivered to me by Capt. Budge at a time when my wife lay at the point of death, which made me desire him to have a little patience, which he was easy enough in, after some time, I found that that ship and cargoe had been appraised at 1,503*l.* 7*s.* 1*d.* York money, and was sold for 1,441*l.* 0*s.* 0½*d.* the same money at publick vendue, Capt. Budge himself being present, soe that the charges which amounted to 494*l.* 16*s.* 3½*d.* being deducted, my thirds amounted to 315*l.* 7*s.* 11½*d.* I told Capt. Budge that upon what you

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had been pleased to write to me, I was willing to pay him what my third part amounted to, and though I had not ready money to doe it with, I would give him warrants upon my sallary as Governor of this Province, which is the same thing as money, because they are always paid quarterly *etc.*, but this he refused, saying he would have money *etc.* I hope you will be of opinion that noe more ought to be required of me. There was not above 142 tuns of logwood on board, though in his petition there was 168 tuns, and it was sold at 8*l.* 10*s.* a tun, though I am informed that at that time it was not worth above 8*l.* in England. If he had more on board when he came into Amboy, it will follow that he had landed some of his logwood at Amboy, which would have been sufficient to have forfeited his ship and cargoe. At the time his ship was seized Col. Hamilton was Governor, not I as he falsely declares, and the ship was sold, not by my order by Peter Fauconier, a creature of mine, as he says, but by order of the Court of Vice-Admiralty at public vendue *etc.* I will make oath, if required, that I never medled with the seizure nor condemnation of that ship. All the money was paid in the Court and there distributed according to the Laws of Trade. I never promised to pay Stephen Stokes 6 months wages due to him. I told 4 or 5 sailors who came to me for their wages that they must apply to the Court. If any fault has been committed in this proceeding, I have had noe manner of concern in it, *etc.* Signed, Cornbury. Endorsed, R. Nov. 28. Recd. (by the Board of Trade) Dec. 3, 1706, Read Feb. 21, 170*7*. 3 closely written pp. Holograph. Enclosed,

541. i.-iii. Certificates as to the appraisement and sale of the pink *Hope*, New York, April 20, 1703, *as above*. Signed, John Tudor, Register of the Admiralty Court, New Jersey. Oct. 16, 1706. Endorsed *as preceding*. 5 pp. [C.O. 5, 970. Nos. 43, 43. i.-iii.]

Oct. 17.
Whitehall.

542. Council of Trade and Plantations to Mr. Sec. Hedges. *Enclose following* to be laid before H.M. *Annexed*.

542. i. Council of Trade and Plantations to the Queen. Having received from Governor Sir B. Granville, an Act of Barbadoes to *supply the want of cash etc.*, and finding several matters therein contained, of an unusual and extraordinary nature and importance, which if put in practice by a continuance of the Act, will, we fear, involve that Island in new and multiplied inconveniences, we therefore thought it our duty, without any delay, to report to your Majesty our sence and opinion upon the said Act, together with the grounds and reasons for such opinion, that so by opening the merits of the cause, and by putting things in their proper light, we might the better prepare and fit them for your Majesties determination. The principal matter contained in the Act is briefly this; that every person inhabiting and having an Estate of Inheritance in Barbadoes, may have a Bill or Bills of Credit, signed

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and sealed by John Holder, Esq., nominated in the Act for that purpose, to the value of the fourth part of his real Estate; the Bills to pass in all parts of the Island as ready money to the full value of the sum therein mentioned, and no person to refuse the same under the penalty of forfeiting a full moiety of the sum contained in the Bill; the Bills to pass but for one year, but renewable from year to year till the last year before the expiration of the said Act, which is to continue 5 years and no longer. The end or intent of the Act is declared in the Preamble, to remedy or supply the want of cash in the Island and to help creditors to pay their debts. Upon this we take leave to observe, that the Act proceeds in an improper and indirect course for attaining the end it proposes. The proper method for supplying the deficiency of cash, is to promote the increase of it by encouraging a quicker importation of silver, but to put a disuse upon money in common payments, and to render it less needfull by setting up Bills of Credit, or anything else to serve instead of it, tends to slacken the industry of the merchant in procuring it. By which method tis justly to be feared that the Island at the expiration of the Act will labour under a greater scarcity of money than it did before. The Act admits any person having an inheritance in the Island to take out Bills of Credit upon the fourth part of his Real Estate, but then he must pay 8 in the 100 every year for his Bills, not for 100*l.* which he borrows and receives in money, but for a Bill of Credit upon his land for 100*l.* to be signed and sealed by the said Holder. And yet the Act makes no provision, neither during the continuance nor after the expiration of it, at 5 years end, for turning those Bills into money when required. Had the Act, instead of compelling men by severe penalties to accept of Bills instead of money, invited them so to do by establishing certain funds for converting those Bills into money when required, it might have prevented many inconveniences, wch. for want of such provision will inevitably insue; for by the Act as it now stands, every first taker up of a Bill of Credit for 100*l.*, must pay 108*l.* for such Bill, which, when he turns into money [*will*] never yeild him more than the summ of 100*l.* mentioned in the Bill, so that he must necessarily lose 8 in the 100 by turning his Bills into money, but if he turns his Bills into goods and commodities, tho' the Act compells the merchant of whom he buyes them to accept of Bills instead of money, yet it does not compell him to sell his goods at what price the buyer pleases, but the merchant will consider the charge, risque, trouble and other accidents to which Bills are more liable than money, and will

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rate his goods accordingly, so that this Act will alter the price of all commodities to the great confusion and disturbance of trade. The Act imposes an intollerable hardship upon creditors who have already lent their monies under covenants and obligations of receiving the like sums in currant money; but this Act calls a Bill signed and sealed by Holder current money, and imposes a necessity on the creditor to receive it as such. From whence arises a double inconveniency. First, the creditor who has already lent his moneys upon good securities, such as mortgages, judgements and the like, which in Barbadoes carry with them 10 in the 100, must surrender up these securities, and take Bills for them, wch. carry no interest, and also change an unquestionable security into Bills, the title whereof neither he nor his Counsell were ever acquainted with. And as to future lenders, no man in Barbadoes, during the continuance of this Act, will lend any more money, because of the hardships to which Creditors are exposed by the Act, to ye manifest disadvantage of trade, which in great measure depends upon borrowing and lending. The Act requires the Treasurer of the Island to accept these Bills in payment for excise, taxes and all other impositions, whereby your Majesty's Revenue will be greatly damnified, for Bills will never defray the publick charges with that advantage as ready money does, besides if the Treasurer of the Island allows of Bills for good payment, the Treasury there will never be possessed of any summs in ready money, which how dangerous it may prove in many sudden exigencies, is not easy to determine. It is further provided by the Act that in case any persons who have entered into obligations to Holder, on account of these Bills, shall prove insolvent, by means whereof Holder shall be rendred incapable to answer the demands arising by these Bills, then such summs or Bills shall be made good out of the publick funds, which will likewise be prejudicial to your Majesty's Revenue, by charging it with the insolvencies of particular persons. The inhabitants of Barbadoes employing their lands to the production of sugars and other beneficial commodities, do thereby often need corn, beef, pork and other provisions to be imported thither from New England, New York and other Plantations on the Continent; but this invention of Bills will be a generall obstruction to this trade, for the importers from those parts have not always occasion to take sugars or other the commodities of the Island in exchange for provisions, and Bills they will not take, which by the Act are only to have a currency in the Island, and the currency of Bills in the Island will prevent the currency of money there,

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for particular traders receiving nothing but Bills in all payments, will not be furnished with a sufficient quantity of cash to buy those provisions. This new erected office, in nature of a Land Bank, will be very chargeable to the people, without any benefit. If a man has lands in Barbadoes, and his title be good, and he willing to give a satisfactory interest, his lands will always be a credit for money, and there is no need of giving 8 in the 100 to have a credit upon his own land; But in case he will take up credit as this Act appoints, he shall have a Bill from the office, which by force of Law shall pass as ready money, he paying 8 in the 100 for such Bill, so that the Act continuing for 5 years every person who takes up Bills to the value of 100*l.*, must pay 40*l.* for the currency only and circulation of such Bills during yt. terme. We further observe that 5*l.*, part of the 8 *per cent.*, are applyed to him who issues out the Bills, his Clerks and Cashiers, which is the 20th part of all credit; By means whereof the persons concerned in the office will be sure to be gainers, who ever else may be losers. There are many objections may be made to severall paragraphs in the Act relating to the manner of ordering and regulating the Bills, the examination of the titles of lands, the sales of those lands upon not satisfying the obligations etc., but we omit them, because, if the principal part of the Act making Bills to pass as ready money be rejected, all the rest falls in course. Having duly considered the whole Act and consulted the Barbadoes merchants and African Company, and others concerned in the trade of the Island, we are humbly of opinion that this Act is hurtfull to trade, injurious to creditors, prejudicial to the Revenue and safety of the Island, and an unnecessary charge upon the inhabitants, and that therefore your Majesty be pleased to signify your disallowance and disapprobation thereof. [C.O. 29, 10. pp. 142-152.]

Oct. 17. **543.** Governor and Council of Rhode Island to the Council
Newport. of Trade and Plantations. This morning came to our hands your Lordships' letter of May 31. We will speedily appoint a day of Thanksgiving. *A page of prayers* for H.M. and their Lordships' health *as Sept. 14. Signed*, West. Clarke, Secretary. *Endorsed*, Recd. Nov. 25, 1706. Read Feb. 28, 170*6*. 1 p. [C.O. 5, 1263. No. 141; and 5, 1291. pp. 457, 458.]

Oct. 18. **544.** Mr. Bridger to the Council of Trade and Plantations.
Piscataqua. In obedience to my Instructions I am to give your Lordships an account of my proceedings from time to time. After a passage of 73 days I arrived at Boston Sept. 15. . . . i am now at Piscataqua, the mast ships with sayle being cheifly laden wth. Naval Stores being now bound for England under convoy

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of H.M.S. *Dover*, and have on board in tarr 5615* barrell, in pitch 614 barrells, rozin 90 barrells, in turpentine 836 barrells, wch. is the first year's produce. Those stores were made by the people without any instructions how to make them, but are all made of old knotts, therefore I hope your Lordships will favour them so farr as not to hinder their receiving the premium given them, and if they do not rise to equall goodness with the East Countrey now, I will engage those for the future, if they will follow my advice, shall be as good as any ever imported into England. That in 2 years, for the trees must stand 2 years after they are prepared, and I hope the Navy will buy this and give the people encouragment to proceed, for should they meet with any disappointment as to the reward or premium I feare they would not venter a second attempt, but return to their spinning wch. they have made a very great progress in, and every farmer or planter have now entered on raising of sheep, wch. will be the loose of this designe wholly. This beginning shews the people's present inclinations, and they all here express a generall liking to the same, and hope to go forward, but they all depend on this tryall, and as they now succed, so they will proseed. The whole depends on this very fleet, for every one is at a full stop, till they heare of the success of this tryall, but I hope all will be well, and their expectations answered, and in my humble opinion [that] H.M. ware better give more for this than twice the value, than have the people here baulk'd etc. *Prays* to be allowed traveling charges. I cannott live with my servant and two horses under 15s. a day, when I travile, wch. is all the yeare, for in the summer I must instruct the people, and in the winter survey the woods, etc. My salary is not more than 200*l.* a year, by which I shall be 200*l.* more out of pocket etc. Then I have no allowance for pens, paper etc., nor for postage of letters, etc. I have a large correspondence 900 miles distance. A letter from Virginia 2s. 6*d.*, more very often, allways 1s. 6*d.* from Philadelphia, 1s. from New York and none under 8*d.* Neither have I any clerk, wch. 'tis impossible for me to be without and doe all the buisness I am obliged to, on all wch. I most humbly pray your Lordships' representation to my Lord Treasurer, having writ to him on the same account, etc. *The people* must be humour'd and flatter'd and showed their own interest, and it would be of good consequence had I mony to make the experiment of tarr in the proper places etc., and if I might buy any of those stores here produced on commission for H.M., which if imported by me as H.M. would save the premiums to H.M., which would be 30,000*l.* per annum saved to H.M., etc. I can buy tar for 8s. or 9s. sterling, the freight may be had and is now in this fleet at 5*l.* per tun in barrells, and I can give timely notice for insurance if thought proper. I desire no money in hand, but have credit to draw by bill for so much as is bought, which may be examined by any if my fidelity should be suspected, and am willing to be on my oath as to the quantity and price I give, and am very certain

* The numbers, left blank in this document, are supplied from duplicate enclosure, Nov. 30.—*Ed.*

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I shall buy the best. This I have proposed to the Lord High Treasurer, who I am sensible will refer it to your Lordships for your report, *etc.* The ships being ready to sail prevents my giving an account of the state of the woods, which is very bad, and severall other affaires I must refer till my next.

If your Lordships fix on a sum for traviling charges, I will get the Governor to certify that I went out such a day and return'd such a time. *Proposes* 15s. per diem allowance. Coll. Quarry have 20s. per diem. *Signed*, J. Bridger. *Endorsed*, Recd. 25th, Read 27th Nov., 1706. *Addressed. Holograph.* 3½ pp. [*C.O.* 5, 864. *No.* 75; and 5, 912. pp. 196-202.]

Oct. 21. **545.** Order of Queen in Council. Repealing Act of
Kensington. Barbados to supply the want of cash *etc.* [*see* Oct. 17]. *Signed*, John Povey. *Endorsed*, Recd. Read Oct. 22, 1706. 1½ pp. [*C.O.* 28, 9. *No.* 57; and 29, 10. pp. 153, 154; and 319, 1. pp. 69, 70.]

Oct. 21. **546.** Order of Queen in Council. H.M. having signified
Kensington. her disallowance of *preceding* Act, and taking notice of the ill consequences that might happen by passing of Acts of like unusuall and extraordinary nature and importance in H.M. Plantations, which will remain of force there untill H.M. pleasure be signified to the contrary, H.M., with the advice of her Privy Councill, is pleased to order that Circular Letters be prepared [*by the Council of Trade*] for H.M. royall signature, to be sent to H.M. Governours in the Plantations, directing them not to pass, in the respective Assemblys there, any Acts of like unusuall and extraordinary nature and importance, without having received first H.M. pleasure thereupon. *Signed*, John Povey. *Endorsed*, Recd. Read Oct. 22, 1706. 1½ pp. [*C.O.* 28, 9. *No.* 58; and 29, 10. pp. 155, 156.]

Oct. 21. **547.** Order of Queen in Council. Approving draught of
Kensington. Governor Crowe's Commission [Oct. 1st]. *Signed*, John Povey. *Endorsed*, Recd. Read Oct. 24, 1706. ¾ p. [*C.O.* 28, 9. *No.* 59; and 29, 10. p. 157.]

Oct. 21. **548.** W. Popple to John Taylour. The Council of Trade
Whitehall. and Plantations desire you to lay before my Lord High Treasurer their reply to your letter of Oct. 2. Most of the 363l. 2s. 8d. which Capt. Moody alledges to be owing to him, is charged for bread, and they find by the certificates produced by him that upon a survey taken by order of the then Commodore of the provisions brought to Newfoundland by the *Anne* gally, ⅔ of that bread were found to be damnified, that a parcel brought there for the use of the garrison was destroyed by the French before it could be removed into the Fort, and that about the time when the Fort was besieged he did supply many of the distressed people with bread and necessaries. So that their Lordships are of opinion that he was under a necessity of buying bread for the garrison, which, as appears to them by the above

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mentioned certificates, he accordingly did, to the truth of which he declares himself ready to make oath. As to the article of pay, Capt. Moody do's assure them, and is further ready to make oath, that he has not received any pay since Christmas, 1704, for want of which, and the disbursements made by him for the garrison and otherwise in H.M. service, he has been, as he alledges, three times arrested, and is in danger of being again thrown into goal. *Propose* that, in the future, a Commander in Chief, upon his being necessitated on any extraordinary occasion to make disbursements for provisions, be obliged to produce to the Commodore upon his arrival at Newfoundland, his accounts of such disbursements, which may be vouched by certificates, and by the oath of the Commander himself; those certificates to be transmitted to England, to be examin'd by the Comptrolers of the Accounts of the Army, in order to my Lord High Treasurer's determination. And whereas the provisions sent yearly to Newfoundland (or part of them) may be endamaged in the passage, as has frequently happened; *propose* that in such case, before the provisions be delivered to the Commander of the garrison, they be carefully surveyed by the Commodore, and the Captains of H.M. ships in harbour, and that such part of those provisions as shall appear to be so damaged and unfit for the use of the garrison be made good and replaced by provisions from on board H.M. ships there in such quantity as may be spared, whereof certificates may be returned into the Victuallers of the Navy, by whom such victuals for the soldiers at Newfoundland are annually provided. [C.O. 195, 4. pp. 293-296.]

Oct. 21.
Portsmouth
in New
England.

549. Mr. Plaisted to the Council of Trade and Plantations. The service has gone on successfully this year as in any other time, the warr notwithstanding, which is to be attributed to the care of Governor Dudley, who by his intelligence of the enemy, and exact knowledge of the country has alwayes mett and defeated their incursions; and particularly at Nechowonuck, where the masting is, has kept good guards (often 100 men) to cover my labourers and teams. His care and success is acknowledged by all H.M. good subjects here, and I have no doubt to continue the supply for H.M. service while he is here in comand. *Signed*, Ichabod Plaisted. *Endorsed*, Recd. Nov. 25, 1706. Read Feb. 28, 1707. 1 p. [C.O. 5, 864. No. 161; and 5, 912. p. 317.]

Oct. 21.
Piscataqua.

550. Governor Dudley to Mr. Sec. Hedges. Since my letter [? Oct. 8], I am here to dispatch the mast fleet, and in obedience to H.M. commands have shipt in this fleet 10,000 barrells of tar and turpentine. I hope it will be good. I humbly pray your honour will favourably represent my diligence therein. *Signed*, J. Dudley. *Endorsed*, Recd. (from Sir C. Hedges) Dec. 3, 1706. Read Feb. 21, 1707. *Holograph*. ½ p. [C.O. 5, 864. No. 87.]

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Oct. 21.
Piscataqua.

551. Same to Mr. Popple. The year's papers of both Provinces are in the *Dover, etc. Repeats preceding.* I shall not fayle to encourage the other article of hemp. *Signed, J. Dudley. Endorsed, Reed. Read Feb. 25, 1707. Holograph. ¾ p. Enclosed,*

551. i. Minutes of the General Assembly of the Massachusetts Bay. Boston, Aug. 7, 1706. The following were fined for illegal trading with the French:—Samuel Vetch, 200*l.*, John Borland, 1,100*l.*, Roger Lawson, 300*l.*, Wm. Rouse, 1,200*l.*, John Phillips, jr., 100*l.*, Ebenezer Coffin, 50*l.* *Same endorsement. Copy. 1 p. [C.O. 5, 864. Nos. 91, 91.i.; and (without enclosure) 5, 912. pp. 253, 254.]*

Oct. 24.
Piscataqua.

552. Mr. Bridger to the Council of Trade and Plantations. Since my last I have procured the inclosed list, wch. I got with dificultie from the Costom-house, but there is 2 shipp's wch. cannott get ready to sayle wth. this fleet, wch. occasions my last calculations being over reckoned. I pray your Lordships' order to the severall Costom-house officers on the Continent to send to me a quarterly acct. of what quantity of each speice of naval stores there is exported from theire respective ports, wch. will enable me to give a true account of the progress of this undertaking *etc.* I have made a farther enquirey into the state of the woods, wch. is so very bad that I am obliged to make a survey so far as the difficulties that attend such service will admitt of, and are (1) The Indians, who have been seen twice this weeke, which obliges to be at the charge of a guard to attend me on this worke, wch. is to great for me to bare, and humbly pray your Lordships' representation to the Lord High Treasurer for an allowance to defray all such charges and all other incidentall charges, and that it is of absolute necessity to appointe at least 2 Deputies in this River, here being noe less than 70 odd saw mills in it, and to fix a sallery to be pay'd me quarterly for the Deputies, not exceeding 50*l.* per annum each. I have so far presumed as to appointe 2 persons to the service, requiring them so very much that I thought I should commit a very great crime if i did not in some measure put a stop to that pernicious and destructive practice wch. the people had so long lived in without contradiction. (2) The season of the year will prevent any large survey. *Signed, J. Bridger. Endorsed, Reed. 25th, Read 27th Nov., 1706. Addressed. Holograph. 1½ pp. Enclosed,*

552. i. List of ships homeward bound with Naval Stores. Boston, Oct. 21, 1706. 18 ships [see Oct. 18]. 1 p. [C.O. 5, 864. Nos. 76, 76.i.; and 5, 912. pp. 203–205.]

Oct. 24.
New
Hampshire.

553. P. Dudley to Wm. Popple. *Encloses following, etc. Signed, Paul Dudley. Endorsed, Reed. Nov. 25, 1706. Read Feb. 28, 1707. Addressed. 1 p. Enclosed,*

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553. i. Mr. Byfield to Governor Dudley. Bristol, Oct. 3, 1706. The last money I received as Judge of the Admiralty was that for condemning Halsey's prize. I never demanded 1*s.* of Mr. Colman, only told him 5 *p.c.* was ye Court's dues, and he with Col. Page pleaded with me not to insist upon that but to take up with 150*l.*, which I did some months after the condemnation; all care was taken with the ship and cargoe till condemnation, and the Lord High Admiral nor ye men mett with no damage by the necessary delaye for advice. I well knew I acted against my own interest in disallowing Governor Cranston's commission, wherein I mett with great trouble and opposition, and made many enemies here *etc. etc.* Signed, Nathl. Byfield. 1½ pp. [C.O. 5, 864. Nos. 152, 153.]

Oct. 25.
Jamaica.

554. Governor Handasyd to the Council of Trade and Plantations. I am to own the receipt of two duplicates from your Lordships by this packett. I have by this packet recieved a letter from Sir C. Hedges of Aug. 1, *etc.* I shall let no opportunity slip of giving the Spaniards here the best advices I can to encourage and induce them to embrace this opportunity of recovering their liberty's out of the power of the French: and I find the Spaniards in generall, except such as are French pensioners, so zealous for the interest of the House of Austria, that I cannot but believe that the Spanish forces now coming will be received without any opposition, especially if they send divines of the Church of Rome that are native Spaniards, it will have greater effect on the Spaniards here than sending 20,000 men. About six months ago, when the French came into these parts and ruined the poor Colonies to Windward, I was not wanting to give notice to the Governors of Carthagene, Port Bell, Havanna *etc.*, that the French had no other designe by coming down here, as I had advice by French letters intercepted, than to inforce the Spanish garrisons with their troops, which had such good effect, that since then they have not permitted any French man of warr or merchant ship to come within their ports. And at the Havanna about three months ago, when the French men-of-war would force themselves into their Harbour, and attempted to come ashore, under pretence of wanting provisions, the Spanish Guard fell on them, and killed 90 odd of the French, severall Spaniards were killed, and amongst them the Captain of the Town Guard, which I am of opinion has bred so much ill blood, that it will turn considerably to the advantage of King Charles. This project, I hope, H.M. will not take amiss, since it was done with a designe to serve H.M. and her allies. As to the Flag of Truce I gave your Lordships an account of, after she had delivered all the expresses to the Spanish Governors, and was coming back, she was intercepted by a French privateer and carried to Petit Guavas, but I hope my advices have put the Spaniards on their guard, and will move them to declare for King Charles. Sir C. Hedges having intimated to me that

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if I persist to be releived at the expiration of the six years, as I requested, I should now let him know ; that H.M. may have time to think of a proper person to succeed me, and taking no notice of the releif of my Regiment, I have returned him for answer that I am very well satisfied to continue, if H.M. thinks fitt, till such time she is pleased to releive my Regiment with me, they having unanimously followed me out of their native country, therefore should be unwilling to leave them here in a country where they have not been so well used as might have been expected, and I hope if a peace should be concluded that neither myself nor Regiment may be forgott in the establishment. Our Assembly is now sitting. They desired an adjournment for a month, which I granted them, and since that the Speaker, Mr. Totterdale, designing to go off the Island for his recovery from the Belly-Ach, a new Speaker has been chosen, and I have by the advice of some friends in the House prorogued them for a week to put a stop to some proceedings which were contrary to H.M. Instructions to me, in re-enacting a second time a Law past by the last Assembly, for making all lands forfeited to the Queen, for which no Quitt-rents were paid in such a time, in hopes they will lay aside that business and begin again on something more materiall. The Minutes of the Councill and Assembly of what has been done since my last I now enclose. We have had a violent bleeding ffavour, which has carried off severall soldiers as well as inhabitants, so that I shall want near 300 men to compleat my Regiment according to the Establishment, for which reason I have sent my son and another officer by the ffeet under the command of Admirall Whetstone, who sailed from hence Oct. 8, with 40 odd sail, to know what methods H.M. and the General Officers will think convenient for recruiting my Regiment, for fear any attempt should be made by the Enemy the next summer. The squadron under Commador Kerr is at present very sickly, and severall dye daily ; there are at least 400 sailors sick, and most of the officers. I have perswaded the Commadore to victuall his men twice a week with fresh provisions, which will be a great refreshment to them, and I doubt not but will recover a great many of them. Our trade is very dull on the Spanish coast, there being a great many Dutch traders, and we wanting very much our English woolen manufactory. I understand by Sir C. Hedges that H.M. has been pleased to approve of my management in the time of the alarum by the French, and my re-establishing the civill and military officers, who are Forreigners in their former posts, that by the last Act of Assembly were made incapable of serving, and I hope your Lops. will find that Act so unreasonable, and recommend it as such to H.M., that she may not give it Her Royal Assent ; most of those gentlemen having considerable interests in the country, and are all men very well affected to H.M. I send your Lordships here enclosed a short account I have of an attempt the French made on Carolina, which is all that I can yet learn of the matter. Here was brought in the 20th inst. by the *Assistance* man of war, a French Guinea ship

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of 24 guns and 130 men, 25 of which were killed in the engagement, and 15 wounded; what the value of her is I am not acquainted with, but the officers say it is considerable. *Signed*, Tho. Handasyd. *Endorsed*, Recd. Dec. 17, 1706. Read Feb. 17, 1707. 5 pp. *Enclosed*,

554. i. An account of the French attempt on Carolina, given by John Bossley, who had agreed with the Governor of Carolina to bring 40 prisoners to Virginia, but, the winds being contrary, had been obliged to put some ashore at St. Augustin and the remainder on the N. side of Hispaniola. [See Oct. 3 etc.] *Endorsed*, Recd. Dec. 17, 1706. 1 p. [C.O. 137, 7. Nos. 34, 34.i.; and (without enclosure) 138, 12. pp. 46-53; and (extract of covering letter only) 137, 51. No. 13.]

Oct. 26.
Council
Chamber,
Virginia.

555. President and Council of Virginia to the Council of Trade and Plantations. *Refer to* letter of Aug. 30 and enclosure received by a ship lately arrived from South Carolina. By the same ship there are arrived 65 of the French and Spanish prisoners, being part of 118, wch. the Governor of Carolina and his Council thought fitt to send hither for a conveyance to England; but the vessell that brings the rest is not yet arrived. Our fleet was sailed three weeks before the arrival of these prisoners, and upon our examining the Master's orders and contract with the Government of Carolina, we find that in case those prisoners were not received here, the Master was to give them his ship, with one suit of sails, one anchor and cable and one moneth's provision, and so turn them to sea. We could not but apprehend this way of disposing of the prisoners to be of ill consequence for H.M. service, and dangerous to this Country; for it is not to be imagined that so many men bred up at sea, and most of them privateers, would depart from this Coast so ill provided with necessarys (when without an extraordinary Providence they must expect to starve) but that they would choose rather to hover about this coast, and intercept the vessells trading hither, and perhaps land and robb our inhabitants, and so furnish themselves with provisions and instruments for further mischief: besides the danger of permitting them to return so speedily to the French Islands after they have once had the opportunity of discovering our coasts, and the naked and defenceless condition of the country. Upon these considerations we have thought it more advisable for H.M. service to retain the prisoners here, and have taken the best care we can to dispose of some of them amongst the few mercht. ships now in the country; we have also written to the Governor of Maryland to desire his assistance in the disposal of others amongst the ships in that Province, and the rest we have ordered to be dispersed and secured in the country untill we find other conveniencys of sending them for England. We humbly submitt to your Lordps.' consideration what ill consequences may attend such proceedings as this of the Government of Carolina, for it is in effect laying this Government under a necessity either of maintaining their prisoners

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out of H.M. Revenue of 2*s.* per hogshead appropriated for its own support, or exposing our coasts to be plunder'd and our trade destroyed. And therefore we humbly hope that by your Lordps.' means, such directions may be given as may oblige that Government to reimburse all charges that shal accrue upon this occasion, and prevent the like inconveniencys for the future. Refer to enclosed Patents for land, as Oct. 14. We have received information that the Surveyor of North Carolina has begun to run the dividing lines between this Colony and Carolina without the least notification given to us, and has proceeded on that pretended line far within the reputed bounds of this H.M. Colony. We have given directions for stopping his further progress therein, and having lately had an account of two old men who can give very material evidence concerning the bounds between this Government and Carolina, particularly as to that boundary called Weyanoak Creek in the Proprietors' Charter, we have ordered their examinations to be taken upon oath, and have given the Proprietors' Governor notice thereof; and as soon as we can shal lay them before your Lorps. for your further directions in settling those bounds; and in the meantime have written to the sd. Governor that no surveys or entrys be made by his officers for any of the lands in controversy. The warrants for the established sallaries have been this day signed in Council, but upon enquiry we can find nothing to direct us in relation to the sallary of the President. We doubt not but H.M. hath appointed a suitable allowance for supporting the dignity of that office, especially while there is no Governor or Lieut. Governor in being, yet inasmuch as H.M. pleasure in that particular hath never been transmitted hither, we have passed no warrant for such sallary, and humbly pray your Lordps.' directions herein, as also to whom the other perquisites of the Government ought on this occasion to be paid. This is designed to be delivered to your Lordps. by Mr. Robertson, the Clerk of the Council, who hath desired leave to go for England for the recovery of his health, and by whom we send the Journals of Council, tho' there is not anything material in them other than what we have here hinted. If anything worth your Lordships' notice happens here before the departure of the ship he goes in, he will be able to give your Lordps. a true account thereof. All we have to add is, that we thank God this Colony is in perfect quiet, and hope it will so continue; and we assure your Lordships that we shal ommitt no opportunity of transmitting to your Lordships a faithful account of such occurrences here as are necessary for H.M. service or your Lordships' information. *P.S.*—We enclose the copies of some proceedings in relation to a tract of land between the Forks of Rappahannock River, to wch. the Proprietors of the Northern Neck make pretensions, alledging it to be within their Charter, wch. we humbly submit to your Lordships' consideration for such directions therein as your Lordships shall think proper. *Signed*, E. Jenings, Presidt., J. Lightfoot, Dudley Digges, Benja. Harrison, Robert Carter, James Blair, Phill. Ludwell, W. Churchill. *Endorsed*, Recd. Jan. 20, Read Feb. 7, 170*6*. 3 large pp. *Enclosed*,

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555. i. Copy of the Articles of Agreement between the Governor of Carolina and John Kimber, Mariner, for conveying French prisoners to Virginia to be sent to England, *as in preceding*. Signed, N. Johnson, Nicholas Trott, Henry Noble, Robt. Gibbes. *Endorsed as preceding*. 3 pp.
555. ii. List of the Patents for Land in Virginia referred to *supra*. Same endorsement. 3½ large pp.
555. iii. Copy of Minutes of Council of Virginia relating to land in the Forks of Rappahannock River, May 2, Sept. 28, 1706. Same endorsement. 3½ pp.
555. iv. An account of the Invasion of South Carolina. Duplicate of Oct. 3. [C.O. 5, 1315. Nos. 39, 39.i-iv.; and (without enclosures) 5, 1362. pp. 92-97.]

Oct. 30. **556.** W. Popple, jr., to Mr. Burnaby, Secretary to the
Whitehall. Commissioners of Prizes. Encloses a draught of an Instruction to Governor Crowe relating to prizes to be laid before H.M. Commissioners of Prizes for their opinion, etc. [C.O. 29, 10. p. 158.]

Oct. 30. **557.** Same to Mr. Burchet. Applies for a Commission of
Whitehall. Vice-Admiralty for Governor Crowe, if H.R.H. shall so think fit. [C.O. 29, 10. p. 159.]

Oct. 30. **558.** Mr. Dummer to Mr. Popple. Gives sailings of the
London. *Prince George* packet, out and home 100 days. She spoke the Virginia fleet of about 200 sail, Oct. 8. Signed, E. Dummer. Endorsed, Reed. Read Oct. 31, 1706. 1 p. [C.O. 323, 6. No. 16.]

Oct. 31. **559.** Governor Parke to the Council of Trade and Planta-
St. Xphers. tions. I here send your Lordships the Act wch. Col. Johnson passed, and Col. Codrington would not suffer him to putt the seal to it, because he must have paid taxes by this Act for what he has in the French ground; this Act had like to have sett this Island into a flame; I think it a very reasonable Act. I send yr. Lordships allso the Imports and Exportes of this Island, to the 8th inst. Mr. Poggson has been tryed for killing Col. Johnson, the Jury brought him in not guilty, tho' I think the evidence was very plain against him; I ordered him to be taken up, and tryed uppon the statute of stabbing, but he had notice of it, and is fled; as soon as the Jury brought in their verdict, the Judges discharged him without making him give security to answer an Appeal, or for his good behavior, wch. is usuall; the Secretary could not draw every perticular of his tryal, but what he could do I here send you; I desire your directions what to do with him if I take him; I think he killed Johnson basely, for he had no weapon drawn; I don't find that Johnson had any Commission either from the Queen or Sir Wm. Matthews. When Sir Wm. died, Col. Johnson by virtue of Col. Codrington's Commission took uppon him the Govermt., and nobody asked to see his Commission. Col. Codrington declared him Commander

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in Cheif, and that was enough. *Repeats part of Oct. 5.* The removall of Col. Lambert and Mr. Poggson has made two vacancies in the Councill, wch. I have filled up with Major Panton and Mr. Willit; I think the two fittest men in the Island; God knowes we have no great choice; I find Mr. Clayton of Leverpool has got a grant for two Plantations in the French ground from my Lord Treasurer, by wch. he ruins two poor people that had it granted per Sir Wm. Matthews; this is the first president of this kind; I hope my Lord will send hereafter first to enquire before he grants land that he must be a stranger too; for my part I think to grant all the land to people that will come and live uppon it, yt. the Island may be strenghned, what advantage is it to the Island to have it full of negroes belonging to merchants in England and rich men in Antigua, they are only a temptation for the enemy, and no strenght; that was the ruin of Nevis; my Lady Russell and Stapleton had each of them above 200 negroes, and not one white man on their Plantation; Col. Codrington has 400 negroes on one Plantation, and but one white man; they breed up their negroes to all manner of trades and make overseers of them; by this means they have drove all the poor from them; pleas God we keep this Island, I hope to make it the strongest the Queen has; I have invited all from the little Islands to leeward and have got severall and hope to gett more. *Signed, Daniel Parke. Endorsed, Recd. Jan. 6, Read Feb. 10, 1706. Holograph. 4 pp. Enclosed,*

559. i. Affidavits concerning the death of Lt. Gov. Johnson.

(i.) Col. Stephen Payne deposed that he saw Col. Johnson ride over ye River, entered Mr. Kimbleton's house, and afterwards rode towards the other River. A little after, Capt. Pogson rode the same way after him. Payne rode after them and overtook them, a little on this side ye River, where he saw Col. Johnson standing by his horse and Capt. Pogson on horseback at a little distance. Capt. Pogson said, I thought to have found you on horseback. Col. Johnson replied, some misfortune hapned, wch. caused him to unlight. Capt. Pogson ask'd if he was ready and drew one of his pistolls, upon which deponent went to Capt. Pogson and commanded the Peace, laying his hand on his pistolls, which he delivered, and called to the Gentlemen by to secure Col. Johnson's, upon wch. he supposed the mischief was prevented. At Capt. Pogson's request, he returned him his pistoll, and presently heard a pistoll fire, and Col. Johnson say, Gentlemen, 'I am barbarously murthered by John Pogson. Deponent saw no pistoll in Col. Johnson's hand. (ii.) Major Willm. Wodrop deposed that after dinner Col. Johnson pointing to Capt. Pogson, said, There was Allexander the Coppersmith wch. has done me much wrong. Capt. Pogson replied, he beleived he was not St. Paul, neither did he think he had the learning. Col. Johnson said how do you know my learning? Capt. Pogson said,

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How do you know my profession. About sunset Col. Johnson rid over the River and alighted at Mr. Kimbelton's door, immediately remounted, and as he rid by he josed Capt. Pogson, who was standing in the street, *etc.* (iii.) James Tynson deposed that Col. Johnson unlighted by the river side and ordered him to tye his breeches. As Capt. Pogson rode by and saw Col. Johnson standing he drew his pistoll, and Col. Johnson said Forbear, sir, let me mount. With that I stept in and tossed his pistol up with my sword, and said shew fair play, with that Col. Payne unlitt and commanded the Queen's Peace and took away his pistoll, and then as Col. Payne turn'd to speak with Col. Johnson, Capt. Pogson shot him and fled *etc.* as *i. supra.* *Endorsed as preceding.* 1½ pp.

559. ii. Copy of the trial of Capt. Pogson at the Old Road, St. Kitts. Oct. 14, 1706. *Acquittal as supra.* *Judges :* Michael Lambert, Henry Burrell, John Garnet. *Grand Jury :* Mansell Frank, Foreman, Joseph Estridge. John Bourryan, Francis Phipps, John King, Clement Crook, John Willet, Henry Scoopholme, James Ramsey, Wm. Bowry, Robert Kimbelton, Richard Rheams, Isaac Jolly. True Bill returned upon indictment against John Pogson for felonious murder by Attorney General, Herbert Pember. *Petit Jury :* James Norton, John Dixson, James Jackson, Thomas Dowson, Edward Gillard, Henry Willet, Bastian Branch, Rowland Davis, Paul de Brissac, John Esdaile, John Everenden, Wm. Singleton. *Same endorsement.* 1½ pp. [C.O. 152, 6. Nos. 73, 73.i., ii. ; and (without enclosures) 153, 9. pp. 444-448.]

Oct. 31.
St. Xphers.

560. Governor Parke to Mr. Secretary Hedges. I was at Nevis at the expiration of the time for the payment of the 1,400 negroes : but by the intelligence I had from St. Thomasses, I found the French at Martineque were intrenching for fear of an English fleet, and had no thoughts of demanding ye 1,400 negroes ; from time to time as I receive the news from you, I send it all over America. I have the best opportunity of any of the Governors by the means of St. Thomasses, and if I had some of our King of Spain's Declarations, I could easaly have them scattered in the Spanish India's, we impatiently expect the ships from Ireland ; I hope if there comes any men, there will come provisions for them, for we have none to give them, if the men's pay was laid out in provisions and sent over, it would keep them ; here are those that will undertake to find the men the Queen's whole allowance, provided they may receive their pay ; and would be much better if they were as last warr 5 companys of 100 in each wth. a Capt. and two Lts. to each company, and the officers obliged to be wth. them, as it is, the Coll. and Lt. Coll. are at home, the men in 5 year but once cloathed and yt. so scandalously, it is a shame to see them, so yt. what little pay

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the soldier receives, he is forced to buy cloathes wth. it, or go naked; if the Coll. was obliged to be wth. them, he would be ashamed to see his men in such a condition as they are; no surgion wth. them nor anything else that is fitting for them. *Signed*, Daniel Parke. *P.S.*—You need not hint my liveing at Nevis. I am as near the Town of Nevis as White Hall is to Lambeth, whenever they are allarmed, I can be wth. them, as I have allready, sooner then they can gett together *etc.* *Repeats part of Oct. 4.* I have been but 3 months in my Govermt. and have been 5 times at Nevis; your neighbours at Richmond I sopose teaze you about my liveing at Nevis, becaus they think I will live at Antigua, they did not sopose I would live here, at a place so plundered and distroyed as this is, God knows I indure fateague enough; I hope if I deserve well the Queen will give me something better, for I can never gett anything here. *Endorsed*, Recd. Jan. 5, 1706. 3 pp. [C.O. 239, 1. No. 16.]

Nov. 1. **561.** Commissioners of Prizes to W. Popple, jr. We think the Prize Office. Instructions [Oct. 30] are very full, only desire this may be added, that whereas the fees for condemning a prize in England is but 12l. 10s., we hope that strict orders may be sent to all the Courts of Admiralty abroad to oblidge them to take noe more for condemning a prize there; and alsoe desire that copys of such Instructions may be sent to all H.M. Governours of her severall plantations abroad with strict orders for the observance thereof, which would much contribute to H.M. service. *Signed*, Ant. Duncombe, T. Baker, W. Pollexfen, Fleet. Dormer. *Endorsed*, Recd. Read Nov. 4, 1706. *Addressed*. 1½ pp. [C.O. 28, 9. No. 60; and 29, 10. pp. 164, 165.]

Nov. 1. **562.** Council of Trade and Plantations to Mr. Secretary Whitehall. Hedges. *Enclose following*, "intended for such Plantations as are under H.M. immediate Government. Though the Propriety Governments be lyable to the same irregularities, the same restraints cannot be extended to them by reason of the Charters and Priviledges already granted them from the Crown." *Autograph signatures*. 1½ pp. *Annexed*,

562. i. Draught of circular letter to H.M. Governors of Plantations. *See* Nov. 8. [C.O. 5, 1120. pp. 478–482; and (without enclosure) 5, 3. No. 32.]

Nov. 1. **563.** Draught of H.M. letter to the Government of Barbados. *See* Nov. 8. [C.O. 29, 10. pp. 160–162.]

Nov. 2. **564.** W. Popple, jr., to Patrick Mein. The Council of Trade Whitehall. and Plantations desire that you will give them in writing, as soon as possible, a particular account how the Council of Barbadoes managed the Government of that Island, during the Presidentship of Mr. Bond and Mr. Farmer, as also how they behaved themselves with respect to elections of Assembly-men, during their administration. [C.O. 29, 10. p. 163.]

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Nov. 4.
Whitehall.

565. W. Popple, jr., to Mr. Burnaby. The Council of Trade agree to the alteration proposed [No. 561], and return the enclosed list of fees, that it may be signed authentically as soon as may be *etc.* [C.O. 29, 10. p. 166.]

Nov. 6.
Whitehall.

566. Mr. Secretary Hedges to the Council of Trade and Plantations. H.M. has approved of the circular letters [Nov. 1st and 8th], and it is her pleasure that in the Instructions of all Governors for the future you also make provision against all unusual and extraordinary Laws. *Signed, C. Hedges. Endorsed, Reed. Read Nov. 7, 1706. 1 p.* [C.O. 28, 9. No. 62; and 29, 10. p. 171.]

Nov. 6.
Whitehall.

567. Same to Same. It is H.M. pleasure that you forthwith inform yourselves, as well as you can, of the present state of Barbadoes, and transmit the same to me to be laid before the Lords of the Committee of Council on Friday morning. *Signed and endorsed as preceding. 1 p.* [C.O. 28, 9. No. 66; and 29, 10. p. 173.]

Nov. 6.
New Yorke.

568. Mr. Heathcote to the Council of Trade and Plantations. Encloses duplicate of No. 523. *Signed, Caleb Heathcote. Endorsed, Reed. Read Feb. 21, 1704. 1 p.* [C.O. 5, 1049. No. 26; and 5, 1121. pp. 12, 13.]

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569. G. Willcocks to the Council of Trade and Plantations. Reasons against confirming the Act of Pennsylvania, *directing the qualifications of officers etc.* [June 17]. (1) Though the major part of the inhabitants are Quakers, it does not follow there will be a failure of justice as pretended in the preamble, there being a sufficient number of others who do not scruple to take and administer oaths. (2) The first clause, as it must be intended to establish Quakerism, so it will destroy the present settlement, ecclesiastical and civil, any persons being here qualified to act in all offices and trusts without taking the oaths of allegiance required by the first of Wm. and Mary, or oaths for the due execution of their offices *etc. etc.* (3) The clause enacting the form of affirmation, seems not to be with sufficient solemnity or propriety, for that it is not an express declaration of the party that he says the truth, but declares in the presence of God the witness of the truth of what he says, which gives too much room for equivocating *etc.* (4) The clause empowering such who scruple to administer oaths to administer the affirmation instead, even to persons willing to take oaths, may be of ill consequence, since many may esteem themselves more bound by an oath than by such affirmation. (5) The clause enacting that the tender of an oath by one magistrate in the presence of a bench of magistrates shall be esteemed his Act only, and yet as valid as if done by the whole, will extend the power of any one Magistrate too much *etc.* (6) The penalty for perjury on affirmation as upon oath, will not deter those who think to evade breaking an oath by taking the affirmation. (7) The clause, that the deposition or

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affirmation of a witness, being taken before a Judge or J.P., after summons of the adverse party, shall be as valid as if they had sworn in a Court, where a witness hath occasion to go out of the Province or is sick, may be very inconvenient not only to the properties but to the lives of the subjects, depriving them of the known benefit of cross-examination etc. *Quotes English practice, etc. Signed, Geo. Willcocks. Endorsed, Recd. Read Nov. 6, 1706. 2½ pp. [C.O. 5, 1263. No. 125; and 5, 1291. pp. 420-426.]*

Nov. 6. **570.** H.R.H. the Lord High Admiral's Commission of Vice-Admiralty to Governor Crowe. *Countersigned, Richard Crawley. Latin. [C.O. 319, 1. pp. 10-21.]*

Nov. 6. **571.** Permits for the *Elizabeth, Generous Jenny, and Oronoko*, bound for Virginia and Maryland, not to await convoys in America. Voyage to be performed within 12 months. *Countersigned, C. Hedges. [C.O. 324, 30. pp. 116, 117.]*

[Nov. 7.] **572.** Journal of Assembly of Barbados, Aug. 13, 1706, concerning the passing of an Act of Barbados *for ascertaining the continuance of the Assembly*, by a majority of 12 to 7. Of the dissentients, John Frere, Henry Pears, William Leslie, Nathaniel Webb, Thomas Maxwell, and Samuel Adams desired that their dissent might be entered upon the Journal of the House, with their reasons, viz. that the Representatives were elected for one year, which was nearly expired, and that they cannot continue themselves for a longer time without infringing on the rights and liberties of H.M. subjects. *Endorsed, Recd. (from Mr. Heysham) Read Nov. 7, 1706. Copy. 3 pp. [C.O. 28, 9. No. 63.]*

573. Copy of Act of Barbados *referred to in preceding. 4 pp. [C.O. 28, 9. No. 64.]*

574. Copies of petitions to H.M. and the House of Lords against *the above Act. See Nov. 14. Same endorsement. [C.O. 28, 9. No. 65.]*

Nov. 7. **575.** Mr. Mein to the Council of Trade and Plantations. I know not how to give a particular acct. of what their Lordships desire of me, without ye perusal of ye Minutes of ye Council of Barbados, but so far as I can remember, during ye Presidentship of Mr. Bond and Col. Farmer the Governmt. was managed by ye Council, and in ye same method as when there was a Governour, ye Council meeting on Tuesdays every 4 weekes, and ye Assembly at ye same time, ye Council passing or rejecting such Bills as were brought up from ye Assembly. But ye Council met upon other matters very often once a week, especially in war-time, and usually held a Court of Chancery on ye aforesaid monthly Tuesdays, and sometimes by shorter adjournmts., and if there was occasion for it, turn'd themselves into a Court of Errors.

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The most remarkable difference in ye administration was, yt. ye Council understood ye Governmt. to be devolved upon them in such manner as yt. ye whole authority was lodg'd in them all jointly, and therefore yt. ye eldest member had no superiority or any power apart from them, notwithstanding yt. in H.M. Commission to ye Governor, such person is denominated President, with all ye authorities and preeminencies belonging thereto. And upon this acct., because they could not be allwayes at hand to do what used to be ye particular business of a Governor, as ordinary etc., they by an Act of Council authorised ye President to do in their absence, and durement their pleasure, but so as when they met in Council, they might notwithstanding have ye hearing of such matters themselves. As to ye election of Assemblymen during that administration, there was an Act of that Island which appointed all writs for electing of them to be directed by ye Governor etc. for ye time being, to one of ye members of ye Council resideing in each Parish, and if none there, and more than one in another Parish, the youngest member of them shoud go to execute ye writ; but if there were not Councillors enough for every Parish, then ye writ was to be directed to ye oldest Justice of ye Peace in that Parish. Durement ye Presidentship of Mr. Bond and Col. Farmer, ye Council takeing ye Governmt. to be wholly in themselves, judged it improper to have those writs both directed and returnable to themselves, and therefore directed them to ye eldest Justice of ye Peace in each Parish, and ye elections were made and return'd accordingly, without any dispute, while Mr. Bond was President. But in Coll. Farmer's Presidentship, ye Representatives who were so elected and return'd, and after being sworn and allowed of as ye Law required, had chosen their Speaker, they came to acquaint ye President and Council yt. they did not think themselves legally constituted, because ye writts were not directed to ye members of ye Council, as ye Law appointed, which they beleived would make a nullity in their proceedings. But ye Council insisting upon ye legality of it, ye Assembly after much debate gave way, and went upon business. *Signed, Pat. Mein. Endorsed, Recd. Read Nov. 7, 1706. Addressed. Holograph. 1 p. [C.O. 28, 9. No. 61; and 29, 10. pp. 167-170.]*

Nov. 8.
Bermuda.

576. Lt. Governor Bennett to Mr. Popple. *Refers to letter of Sept. 19.* In the vessel that carried Capt. Jones went one Mr. Holland, our late Minister, who was likewise bound home, by him I sent my packt. with all matters relateing to Capt. Jones inclosed, but I have an account they came to late for the Fleet, therefore conclude Capt. Jones will make the best of his way to Piscataqua, from whence the mast Fleet does not sail till this month, but Mr. Holland I believe will not goe thither, having his family with him, because their coasters are but smal vessells, soe that in all probability Capt. Jones will be att home before my letters can arrive; and being assured he has exprest himself to have matters of great complaint agt. me, I pray noe hearing may be had till my packt. arrives, or a duplicate thereof which

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goes via Jamaica. From Carolina I am informed that the French and Spaniards had fitted out five ships from the Havana, and had on board, with some Indians they took in att St. Augusteen, about 1,000 men, with which they made an attempt on Carolina in Augt., where they landed detachments in severall places, but were repulsed by the inhabitants, many of them being killed, and 230 taken prisoners, the rest retreating to their boats with great precipitation and soe to their ships, and all with very little loss on our side, upon which the Carolinans fitted out two sloops, and according to advise stood for a place where one of the enemy's ships lay, and as they were runing on board the French cryed out for quarter, and soe took them without firing one gun. In this vessel was their Land Generall, and severall other officers with their Field pieces of copper. *Refers to enclosures.* Capt. Newnam, who is now in goal for his fine, I know is a pentioner to Capt. Jones, he being daily subsisted by one Jennings a victualer, by Capt. Jones his order. The oppertunity that offer'd to send this is by a sloop that touched in here from Anguilla, in her way for England, to take in water. *Signed, B. Bennett.* As I was making up my letters a vessel arrived here from Virginia, the Master whereof acquainted me that the Fleet was sailed from thence before the dispatches arrived from Carolina. I therefore conclude this will be the first advice thereof, etc. I desire their Lordships would examine Capt. Jones on the *enclosed affidavit*, and if he can make good his charge, I shall most willingly submitt to my Fate; if not I doubt not but their Lordships will consider some way to salve my injured reputation. If my account about Carolina be the first, pray, after the Lords have seen it, lett it be carryed to Mr. Sec. Hedges, to whom I have not time to write. *Signed, B. Bennett. Endorsed, Recd. Feb. 1, Read March 14, 1706. Holograph. 3 pp. Enclosed,*

576. i. Copy of an Act of Bermuda *for the further regulating the Courts.* Aug. 31, 1706. *Endorsed, Recd. Feb. 1, 1706. 4 pp.*

576. ii. Copy of the trial of Mathew Newnam, Aug. 22, 1706. For calling all the Justices rogues and villains *etc.*, he was fined 100*l.*, to be released from custody on payment of same and producing a surety in 100*l.* for good behaviour. *Court:* Col. Francis Jones, Lt. Col. Wm. Outerbridge, John Dickinson, Capt. George Darrell, Charles Minors, Capt. Daniell Johnson, Thomas Burton, Capt. Richd. Gilbert, Henry Tucker. *Grand Jury:* Capt. Daniell Keele, Foreman, Daniell Tucker, John Hilton, James Wright, Perient Trott, sr., Joseph Cox, Jeremiah Burges, Samuel Dunscome, Christophor Pitt, sr., Adaman Eve, Richard Pitt, Wm. Lecroft, John Jennings, Samuel Browne, Daniell Hinson. *Petit Jury:* Wm. Stroude, Foreman, John Mallore, Joseph Evans, John Reilly, James Darrell, John Darrell, Richd. Wolrich, Samuel Harvey, jr., Josias Smith, Mathew Witter, Edwin Stone, Benjamin Apowen, Capt. Daniell Johnson,

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and Peter le Counte gave evidence. *Endorsed as preceding.* 4 pp.

576. iii. Affidavit of B. Fox, Master of the sloop *The Blessing*. Nov. 11, 1706. Oct. 23 last Capt. Jones said to him that men dare not be honest jurors for fear of the Governor, etc. *Signed*, Benja. Fox. *Endorsed as preceding.* 1 p. [*C.O.* 37, 7. Nos. 41, 41.i.-iii.; and (without enclosures) 38, 6. pp. 231-233.]

- Nov. 8. **577.** List of fees in the High Court of Admiralty for the condemnation of prizes. *Signed*, Richd. Crawley, Regr. *Endorsed*, Reed. Read Nov. 12, 1706. $\frac{1}{2}$ p. [*C.O.* 28, 9. No. 73; and 29, 10. pp. 198, 199.]

- Nov. 8. **578.** William Heysham and other Barbados Merchants to the Council of Trade and Plantations. Wee render to H.M. our most humble and sincere thanks for her great goodness, extended to the Planters, Merchants, and other Inhabitants belonging and tradeing to her distressed Island of Barbadoes, in her repealing that pernicious and fatall Act of Assembly relateing to paper money; and for her gracious favour in appointing a person of such great worth and experience as Mitford Crow, Esq., is, to be Governour. And in obedience to what your Lordships were pleased yesterday to communicate to us, in relation to the giving our sentiments what will be the most effectuall meanes to heale and reconcile the animosities and compose the differences that have of late happened in that Island, *propose* (i.) that no person be a Member of Council there who has been either a contriver, promoter or encourager of such differences, either by voting for the Paper Act or Triennial Bill, or is considerably in debt; (ii.) that with all convenient speed, H.M. would give her commands for the dissolution of this present Assembly, and for the speedy calling an annuall Generall Assembly, and that the inhabitants may be protected in the freedom of their choice, according to their antient constitutions; to which purpose Petitions are sent over to H.M. from under the hands of many hundreds of the most substantiall freeholders of that Island; (iii.) that, in case there be any failure in the payments of the Bills raised upon the ffunds of the Paper Act, your Lordships represent to H.M. that she would give her royal Instructions to the next Assembly, for the raising a proper ffund to supply such deficiencyes, and (iv.) that as soon as H.M. service will permit, the Governour may imbarke for that Island. *Signed*, Robt. and William Heysham, Guy Ball, E. Chilton, and 43 others. *Endorsed*, Reed. Read Nov. 8, 1706. 1 large p. [*C.O.* 28, 9. No. 67; and 29, 10. pp. 174-176.]

- Nov. 8. **579.** List of persons proposed to be of the Council of Barbados: Geo. Lillington, Wm. Wheeller, Jno. Hallett, Tho. Allen, Jno. Frere, Jno. Maxwell, Jno. Pillgrim, Tob. Frere, Wm. Cole, Richd. Downs, Jno. Adams, Benj. Hawkins, Richd. Worsham.

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The following Councillors were for passing the Paper and Triennial Acts :—Wm. Cleeland, Wm. Sharpe, Saml. Cox, Jno. Mills, Alex. Walker, [*Middelton*] Chamberlin, Tho. Merricke. *Endorsed*, Recd. from Mr. Heysham, Read Nov. 8, 1706. 1 p. [*C.O.* 28, 9. No. 68; and 29, 10. p. 177.]

Nov. 8. **580.** Mr. Bridges to W. Popple. *Encloses following. Signed*, Wm. Bridges. *Endorsed*, Recd. Read Nov. 8, 1706. *Addressed*. 1 p. *Enclosed*,

580. i. Mr. Bromely and other Gentlemen of estates in Barbados to the Council of Trade and Plantations. [*See Journal of C. of T.*] *Propose* (i.) no immediate alteration in the Council or Assembly; (ii.) the immediate sending over of the Governor or appointment of a Lieut. Governor, by whom the Assembly may be adjourned or dissolved; (iii.) that, as there is not silver sufficient to negotiate the trade of the Island, sugar should be made use of instead, as it was about 35 years ago; (iv.) that a regiment of Foot be forthwith sent thither and a convoy twice a year; (v.) that one of H.M. ships may be appointed on purpose for protecting a trade from the Island to the Spanish Indias, which would be a means to resupply the Island with silver in time; (vi.) that the duty of $4\frac{1}{2}$ p.c. arising in the Island be applied towards the finishing the fortifications begun under Col. Lilly. $3\frac{1}{4}$ pp. [*C.O.* 28, 9. Nos. 69, 69.i.; and 29, 10. pp. 178–182.]

Nov. 8. **581.** Council of Trade and Plantations to Mr. Sec. Hedges. Whitehall. In reply to Nov. 6. Upon the coming away of Sir B. Granville (who is since dead), and until the arrival of another Governor, the Government of [*Barbados*] is vested in the Council, wherein the first Counsellor does preside. And having informed ourselves from the most eminent merchants and persons of estate concerned in Barbados, we do understand from them, and from other advices received from thence, that ye Island att the coming away of the Packett and Fleet, was in the greatest confusion, occasioned chiefly by the late Act for Paper Money, and an other Act lately passed for continuing the same Assembly for three years, which has divided the Island into Parties and open animosities; and altho the said Merchants and others attending us do appear in many points to disagree, yet we find them unanimously of opinion that nothing can more tend to the allaying these Divisions, than that a Governor in Chief receive H.M. Orders forthwith to repair to that Government, and being unconcerned in those Heats may by the Authority of his Presence and his impartial Administration of Justice be able to redress the Disorders and abuses under which that Island labours at present, and to provide against the dangers to which it is exposed during this time of war, and they earnestly desire his dispatch accordingly, where-with we do concurr. And we are likewise of opinion that the Governor upon his arrival dissolve the present Assembly and

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call another in order to an impartial administration, as proposed. And whereas it has been represented to us by several of the aforesaid merchants that some of the present Counsellors have been engaged in the ill practices that have occasion'd these distractions; that they are incumbered with Law-suits and debts and unfit for the discharge of that Trust. We are further of opinion that it will be for H.M. service that there be a reform made in the Council. And whereas we have just now received divers papers relating to the particular characters of these Counsellors, and of others proposed as fittest to supply their places, together with other particulars relating to the State of the Island, We are examining the same for H.M. further information. *Autograph signatures. Endorsed, R. 8. 3 pp. [C.O. 28, 38. No. 53; and 29, 10. pp. 182-184.]*

Nov. 8.
The Court at
Kensington.

582. The Queen to the Governor of Barbados. Whereas a Law has lately passed in our Island of Barbados, *to supply the want of cash, etc.*, which has been represented to us as hurtfull to trade, injurious to creditors, prejudicial to our revenue, and the safety of that our Island, Wee have thought fitt to disallow and repeal the same: And it appearing to us that the said Act has from the time of passing thereof been put in execution to the great prejudice of our subjects, Wee do hereby will and require you or the Commander in Chief of our Island of Barbados for the time being, not to pass any Law or Act of Assembly for the future of an unusuall and extraordinary nature and importance, wherein our prerogative or property of our subjects may be prejudiced, without having either first transmitted unto us the draught of any such Bill or Act, and our having signified our Royall Pleasure therein, or that you do take care in the passing of any Act of an extraordinary nature, that there be a clause inserted therein, suspending and deferring the execution of such Act, untill our pleasure be known therein, that our prerogative may not suffer, and that our subjects may not have reason to complain of hardships put upon them by any such Act, as on the present occasion. And whereas the foresaid Act will have drawn upon our said Island great inconveniencies in the course of trade, and in reference to debts, Wee do further direct and injoyn you to move our Councill and Assembly to be forthwith convened by you upon the receipt hereof, that they take all possible care and make the best provision they can, that any of our subjects who have already been obliged to receive such bills as are appointed to be currant by the said Act, and that the persons to whom any debts were owing, and who have been obliged by the said Act to part with their legall securityes for such bills be not sufferers thereby, but be restored, as far as may be, by some new Law, to the same state they were in before the passing of the said Act, which wee judge absolutely necessary for our service, and the good of our said Island. *Countersigned, C. Hedges. [C.O. 324, 30. pp. 111-113.]*

Nov. 8.
The Court at
Kensington.

583. The Queen to the Governor of New Hampshire. Whereas a representation has been humbly made unto us

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by our Commissioners for Trade and Plantations upon an Act lately passed in our Island of Barbadoes, *to supply the want of cash etc.*, which being very prejudicial to our subjects in the course of their trade, as forcing them to receive bills instead of money in satisfaction of all debts and contracts whatsoever, wee have thought fit to disallow and repeal the same; and taking notice of severall ill consequences of passing Bills of an unusual and extraordinary nature and importance in our Plantations, which Bills remain in force there from the time of enacting until our pleasure be signified to the contrary, wee do hereby will and require you not to pass or give your consent hereafter to any Bill or Bills in the Assembly of our Province of New Hampshire under your Government of unusual and extraordinary nature and importance wherein our prerogative or property of our subjects may be prejudiced without having either first transmitted unto us the draught of such a Bill or Bills and our having signified our royal pleasure thereupon, or that you take care in the passing of any Act of an unusual and extraordinary nature that there be a clause inserted therein suspending and deferring the execution thereof untill our pleasure be known concerning the said Act, to ye end our prerogative may not suffer, and that our subjects may not have reason to complain of hardships put upon them on the like occasions. *Countersigned*, C. Hedges. The like letter was sent at the same time to the Governours of New-Yorke, New Jersey, Jamaica, Maryland, Virginia, Massachusetts Bay, Bermuda, and the Leeward Islands. [*C.O.* 324, 30. pp. 113-115.]

- Nov. 8. **584.** Mr. Jenings to the Council of Trade and Plantations. Recommended by the Board for suitable reward for his services, petitioner was granted by the Council, April 20, 1706, priority to enter for a tract of land in King William's County, the granting of a patent being deferred till the lands in that county should be laid open. June 20, 1706, the Governor and Council allowed him to make entry for 4,000 acres of land in that County for his services as Secretary, in issuing commissions, *etc.*, the Assembly having twice voted that he ought to be paid out of H.M. Revenue. *Prays* that a patent may issue, in spite of the recent stop put to patenting lands. *Signed*, E. Jenings. *Endorsed*, Recd. (from Mr. Corbett) Read March 25, 1707. 1½ pp. *Enclosed*,
 584. i., ii. Copies of Minutes of Council of Virginia, April 20, June 20, 1706, *referred to in preceding*. 2 pp. [*C.O.* 5, 1315. Nos. 45, 45.i.; and (without enclosure) 5, 1362. pp. 109, 110.]

- Nov. 8. **585.** Mr. Jenings to the Council of Trade and Plantations. My last was of Oct. 14, by a ship bound for Bristol, since which all the Council except Coll. Custis detained by sickness attended and passed the business of the Genll. Court, and in a joynt letter now sent by Mr. Wm. Robinson, have acquainted your Lordships with what has lately occurred, and particularly from South Carolina, which account if not sooner with your Lordships may

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not be ungrateful, tho' the measures taken by that Proprietor Governmt. for the disposal of the prisoners is not pleasing here ; nor the late pretentions made by ye Governmt. of North Carolina to land as wee presume within this Governmt. ; and likewise of the Proprietors of the Northern Neck to a neck of land between the South and North sides of Rappahanock River. If these pretended bounds are found or allowed to bee the Proprietors on each side cutts off many thousands of acres ever reputed to belong to Virga., the Bounds between Virga. and Carolina being never run, and ye Blackwater land restrained by this Governmt., has incouraged the inhabitants to take up and patent land under the shelter of the Proprietors' Grant. The Council's Proceedings your Lordships will receive, and we hope to have your particular commands therein. Coll. John Smith in obedience to H.M. commands took the oaths and reinstated in his place of Counsellor, *etc.* The Country is very easy and dayly appearance of good and resolved inclinations to forgett all misunderstands, weh. on all occasions I do indeavour to promote, *etc.* *P.S.*—Mr. Robinson having a better state of health of late, has delayed his voyage for some time. *Signed, E. Jennings. Endorsed, Reed. Jan. 20, Read Feb. 7, 1706. Holograph. 2½ pp. [C.O. 5, 1315. No. 40 ; and 5, 1362. pp. 97–99.]*

Nov. 8.
Whitehall.

586. Mr. St. John to the Council of Trade and Plantations. H.M. having ordered Col. Lillington's Regiment to be sent from Ireland to the Leeward Islands, to relieve the detachment of Col. Whetham's Regiment remaining in those parts, and it having been represented to the Prince as well by the officers who have been there as by those now going, that the Act of Assembly for quartering of the officers and soldiers in those parts has not been made for any time heretofore for a longer term than three months, whereby great inconveniency has arisen, the soldiers having been upon such expiration put out of quarters till a new Act has been obtained, H.R.H. has therefore directed me to lay this matter before your Lordships in order to your taking such measures therein as shall appear to you to be for the advantage of H.M. service and the relief of the officers and soldiers employed in those Islands. *Signed, H. St. John. Endorsed, Reed. Read Nov. 12, 1706. 1 p. [C.O. 152, 6. No. 64 ; and 153, 9. pp. 406, 407.]*

Nov. 11.
Whitehall.

587. Mr. Secretary Hedges to the Council of Trade and Plantations. *Encloses* H.M. circular letters [Nov. 8], to be forwarded to the Governours of Her Plantations in America. *Signed, C. Hedges. Endorsed, Reed. Read Nov. 12, 1706. 1 p. [C.O. 28, 9. No. 72 ; and 29, 10. p. 196 ; and 324, 30. p. 115.]*

Nov. 11.
Falkland,
Plymouth
Sound.

588. Capt. Underdown to the Council of Trade and Plantations. *Encloses following.* In answer to yours of April 5, 1706, soon after my arrival at St. Johns, I ordered those from whom there was any fish due to pay it unto Mr. Jackson's order, which

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they all refused to do and gave me their reasons (*below*). *Signed*, Jno. Underdown. *Endorsed*, Reed. 16th, Read 25th Nov., 1706. *Addressed*. 1 p. *Enclosed*,

588. i. Reply to Heads of Enquiry relating to the Trade and Fishery of Newfoundland. [See March 19.] (1) These heads coming to my hands but at Plymouth, just before we sayled, and not knowing shou'd be Commodore, cou'd not provide Acts of Parliament to be distributed among the inhabitants. (2) Though my time was short, used all the dilligence to make what possible enquiries cou'd, which are hereafter mentioned. (3) According to the account I have had from the several harbours etc., there do remain in the winter 181 planters, 1,180 men servants, 215 women and 421 children, which is not above $\frac{1}{3}$ of what have formerly inhabited there; their trade and manner of living is wholly by fishing, having no husbandry nor tillage nor any cattle but what are brought thither from New England every year; they catch their fish with lines and hooks in shallops for the most part, being 3 men to a boat, but som have lesser boats; their employment in the summer is wholly about their fish, and in winter in fetching of wood and building their boats against the spring. (4) It is yearly practised both by the fishing ships and inhabitants to rind the trees for covering of their stages, cook rooms and dwelling houses, but something more than the Act of Parliament allows of. (5) A great many stages and rooms in St. Johns belonging to fishing ships are now engrossed and in the hands of private persons; I made what progress I could in discovering the same whilst there, but several of the antient Masters of ships who were well acquainted with the said harbour being absent, I could not trace out the truth thereof, for they are every day selling the sd. stages and rooms from one to another, and so seem to produce a good title, having purchased the same tho of those who had no right to sell, and this abuse requires an early and strickt inquiry into. (6) I have not heard any complaint of this kind from any, further than what is said in *preceding*. (7) The fishing-ships etc. do carry their due proportion of Fresh men or Green men, and what men the inhabitants keep are all of them generrally such, but few produce certificates of their having such Fresh or Green men. (8) I do not find any mis-demeaner of this kind has been comitted this year. (9) I do not find that anything has been done in this particular, contrary to the direction of the Act. (10) I do not find that the ships frequenting Newfoundland do, dureing their stay there, or at their departure, commit any spoil upon the stages, cook rooms etc., but that the inhabitants are guilty of the breach of this head in a very high degree, pulling downe and

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destroying all or most of the stages, flakes etc. in the winter for firewood, so that in the spring their is left standing (as I am informed by all the Masters of ships there) hardly one whole stage etc., as it was particularly this spring, and the fishing-ships being obliged to rebuild such stages, flakes etc., much to their hindrance and loss of time, and is one of the greatest abuses, annoyance and detriment to the fishery, and from wch. there is no power there to restrain the inhabitants in the winter. (11) I find no abuse nor any complaint relating to this head. (12) The Admirals, Vice Admirals etc. of harbours are very deficient in putting in execution the rules and orders of the Act, and few or none of them keep any journal or account of the number of ships, boats, etc., except when cal'd upon to give in the said accounts to the Comadore for the time being. (13) The Admirals of the harbours do determine such differences as are brought before them, and the parties when agrieved by their determination do appeal to the Commanders of H.M. ships of warr, for a final determination, and both sides submit thereunto; but I do find that the Admirals (being tradeing men) are very partial in the complaints coming before them where their interist is any where concerned, and the partys agrieved by their determination do suffer much for want of timely redress in appealing to the Commanders of H.M. ships of warr, they comeing late into the countrey. (14) I do not find that any abuse of this kind has been committed this year, except in the Harbour of St. Johns, where one John Templeman, Commander of the *Dolphin* of Bristol, and Admiral of the said harbour this year, did in July throw into the said harbour a great deale of ballast, and that a great many ships afterwards did the like. *Affidavits* by Capt. Peardon and Capt. Arthur Holdsworth, that there has been more ballast thrown into the said harbour this year than in any year since they have known it. I could not make any further enquirey into it, Templeman being sail'd before I got into the countrey. (15) The Lord's Day is observ'd, as to their forbearing to fish, but the fishermen and seamen do particularly upon this day haunt the Publick Houses which were always open to them, which though my stay was short, I in some measure put a stop to. (16) None that I can hear of. (17 and 18) I do not find that there is any abuse of this kind, the interrest as well of the inhabitants as the boat-keepers and fishing ships obliging them to the well curing and ordering their fish for the better saile thereof. (19) No breach nor complaints of this that I find. (20) The produce of the country is inconsiderable, and the late and frequent incursions of the French have almost ruined the furr

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trade, the little of that kind now remaining being carried on by the people of Bonavist, who go 40 leagues and upwards to the Northward upon the furring designe. (21) The inhabitants have their provisions and cloathing from Old England, Ireland and New England, their provisions mostly from New England, their salt from Portugal, nets and other fishing tackle from Old England and Ireland. (22) I do not find that any wine and brandy is brought thither from New England, but vast quantities of rum, with which the fishermen do debauch themselves, they buying it of their masters the planters at excessive rates, especially in the winter, in so much that servants who have 20*l.* or 24*l.* a year do commonly run out the same in liquors, so that at the year's end, they shall not only have no wages due, but be indebted to their masters, and forced to hire themselves again. (23) None that I can find, besides what comes from Portugal, all ships coming from thence bringing thither generally wine, brandy, oyl, linnen, cloath and salt, in great quantitys. There was one Spanish ship there this year with the Queen's pass, the Master's name is Juan Baptista de Scarra, the ship's name *Marianna* of Bilboa, and cameladen with wine, salt, brandy and iron, and returned laden with fish for the said place. (24) Part of the said wines is dispos'd and sold to the fishermen, seamen and inhabitants there, and a great part carryed to New England, and I do find it a general complaint amongst the fishers that such great quantities of salt are yearly carry'd thence to New England that, should not an early supply of salt come in the spring, t'would be of very ill consequence to the fishery. (25) There is rum, molosses and tobacco brought their from the West Indies and New England in great quantitys, but I do not find that any other commodities are brought there from the Plantations, nor transported thence to Foreign parts, but I am of opinion that the quantity of tobacco imported there is too great for the expence of the countrey. (26) The number of boats employed by them is 232, and the men employed about the boats and cureing the fish is 1,180, besides the planters, as aforesaid; they have taken this year 72,920 quintals of dry fish, the charge of catching and cureing the same is much alike both to the inhabitants and those coming from England, and their rates the same. (27) The number of fishing ships in the country this year is 46, their boats employed by them 136, their burthen from 60 to 300 tunns, and mann'd from 12 to 30 hands, there has been caught by them this year 33,350 quintals of dry fish; their manner of catching is the same as with the inhabitants, the charge of catching and cureing of their fish is as followeth; the charge of one boat

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with masts, sails and fishing tackle, 6 men's wages and victuals, and all other charges (salt excepted) is 170*l*.; one hhd. of salt will cure 10 quintals of fish, the price of the salt is from one quintall to two a hhd. (28) Fish has been this year generally sold at 15*s*. per quintall, and oyle at 14*l*. per tun, and the fish is carryed to Leghorn, Portugal, and all parts of Spain we have commerce with, and the refuse fish which is always sold at half price to the West Indias, and some merchantable and refuse to New England, and the oyle for England. (29) 25 saile have taken sailing orders and are bound for Spain and Portugal and 12 ships that have saild without convoy, some of them for Leghorn. (30) I do not find that any men are encourag'd to stay behind by the Masters of ships, but some do of their owne accord leave there ships and stay there yearly, and particularly last year 30; the inhabitants giving them great incouragement to stay, and this year the Masters of ships made great complaint to me of the want of men. (31) I do not find that the inhabitants of New England do now fish upon the Newfoundland coast. As to the Fishery on their own coast, I can get no true accot. of it. (32) The French about Placentia have great plenty of furs, but are not so industrious in catching them, the management of their fishery at Placentia and neighbouring harbours of St. Mary's, St. Peter's etc. is carryed on by fishing ships, sack-ships, by-boats and planters, as ours is, the number of the ships at Placentia when I came from Newfoundland was betwixt 40 and 50, 36 of which were fishing-ships and had for convoy a man of warr of 36 guns, the manner of their fishing is much the same as ours, only they bring their fishing boats with them from France, haveing each boat in three parts, for the more convenient stowing them, but to the Norward of Bonavist they have severall good harbours, where a great many ships from 14 to 46 guns and generally from 60 to 150 men, catch and cure their owne fish, no planters resideing there in the winter, the number of ships thereabouts 30. This account I had from a Master taken by the French to the Norward, and who made his escape from them this summer. (33) The number of inhabitants at Great and Little Placentia resideing last winter was not fully 300, and as for the other places thereabouts I could get no information, they follow no manner of husbandry nor planting, but their whole dependance is upon what is brought from Europe. (34) They are of no other use (that I can find) than the catching of fish early in the year, and the inhabitants in the winter for want of other employ do busy themselves in molesting the English inhabitants, but now seem to be weary of it,

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having met with severall repulses last winter. (35) I cannot get any true account of the quantity of Fish taken by them, nor at what price they sell, but am credibly informed that their charge in catching and cureing of fish is less than ours, the men's wages being less and their living harder than the English. (36) They come earlier to the Fishery than the English, and depart sooner, and consequently get sooner to their markets, France, Spain, Leghorn. (37) The French fishing trade doth to all appearance yearly encrease, but in what proportion I cannot give account, nor the cause thereof other than the decrease of the English trade. (38) I do not find that they have any places of strength except at Placentia, where they have two Forts, one at the entrance of the harbour close by the water, of 36 guns, another on the top of the hill, of 15 guns, 7 of which were mounted this summer. They have there 3 Companys of foot-soldiers, of 50 in a Company, they have there ammunitiion and victuals yearly in store ships from France, their victuals some times from Canada. (39) By reducing of Placentia. (40) None that I can hear of. (41) A great number of French ships yearly fish upon the Banks, man'd from 18 to 30 men, but of small force. (42) No other besides French and a few Biscaigners. *Signed*, Jon. Underdown. *Endorsed as preceding.* 37½ pp.

588. ii. Answer to the additional Instructions. The inhabitants in general rind the trees as far Norward as Carbinere, and Southward as far as Ferryland, for the use of their stages, store-houses, cook-rooms etc., and I conceive the chiefe reason thereof is their not having timber large enough to make boards of. The Admirals and Masters of ships have been guilty of the breach of the Act in severall particulars, *as in preceding.* The vessels from New England do early in the spring and at other times, supply the inhabitants with pork, bread, flower (live sheep, cows, etc. which they have from no other place, and is of great service to them). The New England traders comeing and going all ye season, and I am inform'd they used to carry men away with them, and some of them remain in the countrey after the convoy sayled, though there was none this year, and as for their carrying men out of the country that came not with them, I gave the Mas[t]ers of ye vessells their oaths, and took bond that they [*did not*], which I conceive put a stop to that abuse this year. The Masters of ships do generally leave men behind as some have done this year, [*but*] 'tis of the men's own free will, out of lucre of the large wages given them by the Inhabitants. European commodities are very frequently brought from Portugall, as salt, wine, oyle, brandy (and linnen cloath) in great quantities, but I

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could not learn (my time being short) that they were truckt away to the New England traders for sugar, tobacco, or any other enumerated commodities, though have been informed that such abuses have been formerly committed. And as to the illegal proceedings in the trade to Newfoundland I took due care to inspect into. But there being no clause in the Act to redress those abuses of the trade from Portugall, Spain, etc., I humbly conceive that an officers to reside their impowr'd to inspect into those abuses (and likewise to keep a register of all stages, cook-room, warehouses, etc.) would be a means to prevent that and others. *Signed and endorsed as preceding.* 1½ pp.

588. iii. Account of the inhabitants, boats and fishery of Newfoundland, 1706. Abstract of preceding, with details of each place. Inhabitants, total :—181. Men servants 1,180, women 215, children 421. *Signed and endorsed as preceding.* 1 p.

588. iv. Affidavit of John Davis, Commander of the *Henry* of Exon., that Dr. Jackson, minister at St. Johns, drank to the confusion and damnation of Capt. Michael Richards, and became intoxicated, etc. 1 p.

588. v. Inhabitants of St. Johns to Commodore Underdown. Their reasons for not paying Mr. Jackson his allowance of fish. Give instances of his coarse and cruel behaviour. He has always sowed discord amongst the inhabitants and goaded the soldiers to mutiny etc. *Signed*, Richard Colsworthy, John Collin, Thomas Gruchy, Jno. Cock (mark), Tho. Hawkins, Christopher Archer, William Roberts, Guilbard Jan. (mark). *Endorsed*, Reed. 16th, Read 25th Nov., 1706. *Addressed.* 2 pp. [C.O. 194, 3. Nos. 169, 169.i.-v.; and (without enclosures) 195, 4. pp. 296-328.]

[Nov. 11.] 589. Address of the Council and Assembly of Barbados to the Council of Trade and Plantations. As wee are sensible of the great trust reposed in your Lordships by H.M. Commission as Guardians of the Trade and Plantations of England, so wee in particular express our acknowledgement of your Lordships' great care in interposeing your Counsel to H.M. on many late occasions for the peace and good Government of this place, and being acquainted by our Agents (who we hope will be always admitted to your Lordships) that your Lordships have shewn great inclinations to promote anything that might be proposed for the good Government of H.M. subjects here and encouragement of the Trade of this place, wee do therefore acquaint your Lordships that H.E. Sir B. Granville, has at our request promised upon his arrivall in England to make propper applications for severall indispensibly necessary expedients to be laid before H.M., the Parliament and your Lordships for the wellfare and preservation of this place, as, the 4½ p.c. and regular troops [see Nov. 19]. And likewise for the continueing of 3 ships

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to guard our coasts, and two convoys a year for our trade, and then for easing the duty upon white sugars. And H.E. being fully apprized of all these matters, and also of the miserable and low condition of the inhabitants, and of the necessity of speedy care to prevent their utter destruction, we hope your Lordships will give a chearfull assistance in representing to H.M. or the Parliament as ye case may require ye reasonableness and necessity of granting our Petitions. *Signed*, Wm. Sharpe, Saml. Cox, Wm. Cleland, John Milles, James Colleton, Middleton Chamberlen, Alexander Walker. Tho. Alleyne, Speaker, John Holder, George Peerse, Thomas Sandiford, Paul Lyte, Reynd. Alleyne, Benja. Bullard, Sim. Lambert, Elisha Holder, Tho. Prideaux, Richd. Sandiford, Robert Waite. *Endorsed*, Reed. Read Nov. 11, 1706. 1 large p. [C.O. 28, 9. No. 70; and 29, 10. pp. 185-188.]

Nov. 12.
Whitehall.

590. Council of Trade and Plantations to the President and Council of Barbados. *Enclose* H.M. repeal of the Act to *supply the want of cash, etc.* It will be your duty to take care that it be immediatly published and made known to all whom it may concern. And the same being accompanied by H.M. letter [Nov. 8], it is withall incumbent upon you to do all that in you lyes that H.M. Royall intentions therein meet with a dutyfull compliance, and we expect an accot. thereof from you by the first oppertunity. [C.O. 29, 10. pp. 197, 198.]

Nov. 12.
Whitehall.

591. Mr. Secretary Hedges to Governor Parke. I have received your letters of Aug. 28 and 29; the Addresse which was enclosed in the latter has been presented to H.M., who was pleased to receive it very graciously. You have already heard how H.M. has taken care to supply most of your wants by ordering ordnance stores from the Tower, and 300 men to be sent to you with all possible diligence, and that, in the meantime, Sir John Jennings, who is to touch at your Islands with a squadron, has directions to leave with you all things that you have necessity for, and he can spare from the ships, and finding now by your letter and the representation of some merchants here, that you were in great want of small arms, she has ordered 500 to be sent to Nevis and St. Christophers, and care will be taken that they shall be as good as can be had. As to your design on Martinico, it is thought impracticable in the manner and time you mention, if it were possible at this juncture to find the troops and ships requisite for such an undertaking, but H.M. would not have you discouraged, and hopes she shall find an opportunity to retaliate on the French Islands the violences the enemy have committed at Nevis and St. Christophers, and I wish you may have the honor of having a good share in such an expedition, but as to your project upon Porto Rico there are many reasons against giving any sort of attention to it, and I need not enter into them, but rather remind you of what you have in direction already for using your utmost endeavours to perswade and encourage the People under your care to resettle,

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and never to give them the least hopes of any assistance in removing themselves and their effects to any other place, your Island being the key to all the rest of H.M. Plantations, as you are sensible of, and have truly hinted in your letter the great importance and usefulness they are of to H.M., you have no reason to believe but H.M. will support their re-establishment, and you need not be in pain about making good the contract with Monsr. Iberville for Negroes which you take notice of. I have already acquainted you that H.M. is taking measures to free and indemnify her people from so unreasonable a capitulation, which was extorted by him contrary to the Laws of War and consented to by force by a few Persons who had no right to make it, and after all the articles of it were barbarously violated by Iberville himself. It has been formerly reported that severall of the inhabitants, and particularly the officers have pretended to claim the goods and utensils of others by vertue of a grant from Iberville. You are to make strict enquiry of all such gross abuses and unwarrantable practises, and by your own authority cause restitution to be made to the proper owners by such pretenders, if you found any such that could be guilty of so much villany, and you are to give a particular account of all such persons that they may be further dealt with according to their demerits, and punish't with such marks of H.M. displeasure as she shall think proper in such case. H.M. has received one complaint of this kind which I send you, that you may examine into it, and certify how you find it, and if it be true that in the meantime you give to the complainant all the relief that is in your power. As to your own particular affairs, I shall be glad of any opportunity to serve you in them, and will acquaint the Duke of Marlborough with your request as soon as he returns, which is every day expected. Mr. Finch who was Secretary of the Leeward Islands being dead, H.M. has been pleased, upon my nomination, to bestow that employment upon a person who not being able to go over at present, and this being so lately done that there is not time to appoint a Deputy, I must desire you to direct the person or persons who acted in that capacity for Mr. Finch to continue to do so, keeping an account of the business til further order; if they discharge their trust to satisfaction, they may be continued, and will be no losers by Mr. Finch's death. My last gave you an account of the great victory obtained by the Duke of Savoy and Prince Eugene over the French army in Italy commanded by the Duke of Orleans. You will see in the newspapers sent you from the office the improvements that have been made of this advantage in the reducing of the City and Dutchy of Milan; the few places which are yet in the enemy's hands being given for lost by the French themselves, who have found it impossible to putt their army into a condition to return into Piemont. The glorious campain in the Netherlands concluded with the taking of Aeth, and his Grace the Duke of Marlborough is now daily expected home, having concerted matters at the Hague in order to the carrying on of the war next year more vigorously, if possible,

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than has yet been done. The latter end of the campaign in Spain has not been so successful as the beginning, but a fleet and a considerable body of troops being now sent thither, such measures are taken as will retrieve all; of which I hope to send you an account in my next. *Signed*, C. Hedges. *P.S.*—You will receive by this post a letter from H.M. against your passing any Laws of an extraordinary nature without her approbation being first had. [*C.O.* 324, 30. *pp.* 117–120.]

Nov. 12. **592.** Mr. Secretary Hedges to Governor Handasyd. I have
Whitehall. received the favour of yours of Sept. 13 with the papers enclosed. Care is taken to send some of H.M. ships to meet the fleet coming home, and I am glad to find the trade with the Spanish Plantations increased, and that the merchant men from your parts bring so good a return. We have an account from Lisbon of Sir John Jennings's being sailed thence with a squadron of H.M. ships bound for the West Indies, who will probably be with you before these letters come to hand. I am sorry I can't tell you that the latter end of the campaign in Spain has been so successful as the beginning; but there is a very good fleet and a strong body of land forces sent to Spain, and such measures are taken as I hope will soon retrieve all. My last gave you an account *etc.*, as in *preceding*. *Signed*, C. Hedges. *P.S.*—As *preceding*.

The like circular of news as to Colonel Parke, together with the postscript was sent to the Governors of New York, New England, Maryland, Virginia, Barbadoes. [*C.O.* 324, 30. *pp.* 120, 121.]

Nov. 12. **593.** Council of Trade and Plantations to Governor
Whitehall. Handasyd. We have received your letter of Sept. 16, and are well satisfied to find you have put the Island in such a good posture that you are not in any present apprehension of the enemy. And whereas you have recommended to us that the Regiment be recruited with 150 men more which are wanted, we have laid the same before H.M. We are glad to understand the Assembly are like to proceed well, and do not doubt of your contributing thereunto in the best manner. As to the woollen manufactures, which you say are much wanted in those parts, the merchants have been apprised thereof, and we do not doubt but a further provision will be sent. *P.S.*—We enclose H.M. letter relating to the passing of laws of an extraordinary nature *etc.* [Nov. 8]. [*C.O.* 138, 12. *pp.* 37, 38.]

Nov. 12. **594.** Council of Trade and Plantations to Governor Parke.
Whitehall. *Acknowledge* letter of Aug. 28. We do approve your diligence in the drawing out the troops, and in your watchfulness against the Enemy. We have laid the several particulars desired in your letter before H.M., and are expecting her Royal Pleasure therein; In the meantime we do not doubt of your care in the preservation of H.M. Islands under your Government. *Same postscript as preceding*. [*C.O.* 153, 9. *pp.* 407, 408.]

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Nov. 12.
Whitehall.

595. Council of Trade and Plantations to Governor Parke. *Enclose* copy of Mr. St. John's letter, Nov. 8. We judge it highly for H.M. service that you use your utmost endeavour at the first meeting of the respective Assemblies to procure the prolonging of such term during the continuance of H.M. Forces in the Leeward Islands, not doubting of your due care in the matter, which is absolutely necessary for the safety of those H.M. Islands under your Government. [C.O. 153, 9. pp. 409, 410.]

Nov. 13.
Whitehall.

596. Council of Trade and Plantations to Henry St. John. *Communicate* contents of preceding. [C.O. 153, 9. pp. 410, 411.]

Nov. 13.
Whitehall.

597. Council of Trade and Plantations to Mr. Secretary Hedges. *Enclose* Governor Handasyd's request for recruits and for a squadron to meet the Jamaica fleet; also Governor Parke's request for 50 great guns and stores, and muskets: the number tho not named by him we judge by the best information we can get may be 500. As to the rest we cannot but take notice the stile of the letter is very extraordinary. *Autograph signatures. Endorsed, R. 13. 2 pp. Enclosed,*

597. i. Extract of letter from Governor Handasyd, Sept. 16. 1 p.

597. ii. Copy of Governor Parke's letter, Aug. 28. 4½ pp. [C.O. 137, 45. Nos. 85, 85.i., ii.; and (without enclosures) 138, 12. pp. 39, 40.]

Nov. 14.
St. James's.

598. Order of Queen in Council. *Referring following to* the Council of Trade and Plantations for their report. *Signed, John Povey. 1 p. Enclosed,*

598. i. Petitions of Merchants and Planters, belonging and trading to Barbados, to the Queen. A Bill being past the Councill for altering an antient Law appointing a free annual election of a Generall Assembly, and for continuing the present Assembly for 2 years longer, and the same being sent down to the Assembly for their concurrence, great numbers of your Majestie's most loyal and faithfull subjects did in humble manner exhibit their Petition to H.E. Sir B. Granville, praying that he would not give his assent to the passing any new Law that might repeal or dispencc with the said antient Law, and at the same time did exhibit several other Petitions to the Assembly, praying that they would not pass any Bill to that purpose. Notwithstanding which, the said Bill was passed into a Law by the Government there, the same day the said Petitions were presented to them, as by several Petitions from under the hands of many hundreds of the most considerable Freeholders and Merchants residing there, herewith humbly presented, may more fully appear. By the passing of which Law, your Majesty's dutyfull and loyal subjects belonging and trading to the said Island, are extremely

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discourag'd, and laid under such fears and apprehensions, that Petitioners have great reason to believe the said Island will in a short time be dispeopled, and the trade thereof utterly ruin'd, unless reliev'd by your Majesty. 80 signatures. *Endorsed*, Recd. Read Nov. 18, 1706. *Copy*. 1 large p. [C.O. 28, 9. Nos. 74, 74.i.; and 29, 10. pp. 201-206.]

Nov. 14. **599.** Order of Queen in Council. *Referring following to*
St. James's. the Council of Trade and Plantations. *Signed*, John Povey.

1½ pp. *Enclosed*,

599. i.-v. Copies of 5 petitions from Barbados merchants, planters and freeholders to the Queen, *similar to preceding*. 95, 272, 265, 170 and 73 signatures. *Endorsed*, Recd. Read Nov. 18, 1706. 7 pp. [C.O. 28, 9. Nos. 75, 75.i.-v.; and (without enclosures) 29, 10. pp. 208, 209.]

Nov. 14. **600.** Order of Queen in Council. *Referring following to*
St. James's. the Council of Trade and Plantations for their report. *Signed*, John Povey. *Endorsed*, Recd. Read Nov. 18, 1706. 1 p. *Enclosed*,

600. i. Tho. Hodges, barrister, of Barbados, to the Queen. Governor Sir B. Granville conceived some displeasure against him for acting as Counsel for several of H.M. distressed subjects, who were greatly oppressed by prosecutions commenced against them. The Governor and Council, Aug. 6, upon a mere allegation of Susannah Sadleir, without any proof or notice given to petitioner, forbade him to practice the Law until he had cleared himself of the said allegation. In response to his petitions for copies of proofs in writing and to be heard in his defence, he was censured and suspended. *Prays* that the said order of suspension be discharged. *Signed*, Tho. Hodges. *Copy*. 3 pp.

600. ii. Minute of Council of Barbados, Aug. 6, *referred to in preceding*. 1 p.

600. iii. Thomas Hodges to Governor Sir B. Granville. Petition referred to in preceding. *Copy*. 2 pp.

600. iv. Merchants and Planters of Barbados to Governor Sir B. Granville, Aug. 10, 1706. *Pray* for the withdrawal of Mr. Hodges' suspension until proof be given of his misbehaviour, he being their Counsel. 45 signatures. On receipt of above H.E. said he would consider of it, pointed to the door, and turned his back on us. *Signed*, Rich. Husbands, Michl. Cove. 3 pp.

600. v. Copy of Thomas Hodges' complaint against Susana Sadleir, Aug. 10, 1704. 1 p.

600. vi. Copy of T. Hodges' petition to Governor Sir B. Granville, Aug. 13, 1706, *referred to in preceding*. 1 p.

600. vii. Copy of Minute of Council of Barbados, dismissing above petition as "insolent, false and scandalous,"

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and suspending Hodges from practising the Law, Aug. 13, 1706. $\frac{1}{2}$ p. [C.O. 28, 9. Nos. 76, 76.i-vii.; and (without enclosures) 29, 10. pp. 210, 211.]

Nov. 14. **601.** Order of Queen in Council. Repealing Act of Jamaica, St. James's. Oct., 1705, to provide an additional subsistence for H.M. officers and soldiers. Signed, John Povey. Endorsed, Recd. Read Dec. 6, 1706. 2 pp. [C.O. 137, 7. No. 33; and 138, 12. pp. 40-42.]

Nov. 14. **602.** W. Popple, jr., to Mr. Savage. Desires a return of Whitehall. imports of naval stores and whale oil etc. from the Plantations, 1706. [C.O. 324, 9. p. 129.]

Nov. 15. **603.** Council of Trade and Plantations to Mr. Secretary Whitehall. Hedges. Having under our consideration the present state of Barbadoes, and particularly the reform of the Council there, which we find to be a matter of great difficulty and importance, we think it very much for H.M. service that the Lords and other great Officers nominated in our Commission would give us leave to attend them etc. Autograph signatures. Endorsed, R. Nov. 15. 1 p. [C.O. 28, 38. No. 54; and 29, 10. p. 200.]

Nov. 15. **604.** The Queen to Charles Hedges, Secretary of the Leeward Kensington. Islands. Leave of absence granted, the office to be performed by a Deputy. Countersigned, C. Hedges. Whitehall, Feb. 8, 1706. Directed to Governor Parke. [C.O. 324, 30. pp. 122, 123.]

Nov. 16. **605.** R. Savage to Mr. Popple. Encloses following. Signed, Customhouse, Rich. Savage. Endorsed, Recd. 18th, Read 25th Nov., 1706. London. Addressed. $\frac{1}{2}$ p. Enclosed,

605. i. Mr. Davenant to Mr. Popple. Encloses following etc. Signed, Charles Davenant. 1 p.

605. ii. Imports of Naval Stores and Whale fins and oil from the Plantations, Dec. 25, 1705—Sept., 1706. See House of Lords MSS., New Series, VII. No. 2402 (c). Signed, Charles Davenant. Nov. 15, 1706. 1 p. [C.O. 323, 6. Nos. 20, 20.i, ii.; and 324, 9. pp. 129, 130.]

[? 16 Nov.] **606.** Lt. Governor Bennett to the Council of Trade and Plantations. The copies of Acts demanded [May 30] are preparing, and shall be transmitted as soon as possible, but the sending of them was not omitted, they having been twice returned. I shal for the future take care (if time permits me) to examine Acts of Assembly and Minutes of Council with the Secretary, but with submission, my Lords, it's his particular business that they are true copys from the Records, he swearing to that purpose to the best of his examination. I shal be exact in sending half yearly accounts of public stores, and wou'd now again transmit what hath been expended since my arrivall, but have not time to transcribe. Refers to letters etc. of Sept. 19 and Nov. 8,

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concerning Capt. Jones, who remains in Virginia, awaiting an opportunity for England. *Repeats* parts of Nov. 8. Pray my Lords compare the infamy he brands me and the country with, mentioned in Greatbatch his affidavit (formerly transmitted) and the villainous crimes he charges me with, in the enclosed affidavit, and then judge how far it may be thought to be a continued opinion which may induce your Lordships to credit the former (wherein I am said to be a perjurd dog) altho' Capt. Jones offer'd to swear in contradiction thereof. As for the management of his office of Secretary by which he claims the clerkships of all Courts, your Lordships have had particular accounts of from the Council, and also now again in the preamble of an Act of Assembly *for the further regulating the Courts of Judicature*, and some time since from the Judges by their remonstrance, also from the Justices of the Peace, enclosed. And because Capt. Jones publicly affirmed that what was incerted in the preamble of the abovesaid Act was all a lie, and that the Judges would not own it, therefore they prayed me to grant an authority to persons to take their affidavits to the truth of what they had remonstrated, as also did the Justices of the Peace, and now comes their affidavits to confirme them. I have had many complaints from the Quarter Sessions of his imperious behaviour there, and of the unpresidented liberty he gave (as being Provost Marshall) to prisoners committed for contempt to Government, one representation is herewith sent. As to what it mentions relateing to prisoners, I know great part of it to be true, and much more might have been added. I have received your Lordships' of May 31, and a day of Thanksgiving has been accordingly religiously observed throughout these Islands, for H.M. happy success over her enemys in Brabant. Inclosed is an Address from the Assembly which they desired me to transmitt, it relates to Capt. Jones. I have likewise sent copies of two petitions with interrogatories annext, which he gave me but a few days before he went on Sept. 22. What use he intends to make of them I know not, but my answer to him was when he would depute according to my nomination pursuant to H.M. Order in Council of April 4 last, I would imediately call a Council and consult on his petitions, and what examinations were proper to be taken should be before me. If I had imediately comply'd and appointed persons, it was impossible any thing could have been done therein, his stay being soe short. I am apprehensive (because he hath said soe) that he will complain I have made noe officers in the Government, but such as are his enemys, more especially the Chief Justice and Attorney General, the first being Col. Anth. White, the other Mr. Tho. Burton, both which were unanimously recommended by the Council, to which my Instructions obliges me to have regard. My Lords, I am very unhappy under the circumstance of not having persons amongst us qualifeyed to make up a Govermt., which occasions me continuall trouble and uneasyness (this being a very poor place, therefore ingenious men that's knowing in the law will not settle here) but my endeavours have never

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been to disturb Capt. Jones in his offices, altho' I frequently told him of his thin and weak contrivances and endeavours to enthrall me. *Refers to enclosures.* With Capt. Jones went from hence one Capt. Martin Enley, Thomas Nitchells and Thomas Dunscomb, whom I presume will appear on behalf of Capt. Jones. My brother is prepared to answer them *etc.* *Signed,* Ben. Bennett. *P.S.*—Since I had finished this letter, a master of a vessell arrived from Barbados, who tells me on the 9th inst. came in there Sir John Jennings on board the *Devonshire* with the blew flag at the mizzen top-mast head, and with him tenn sail of men of war, one fire-ship, and a tender from the strights, and on the 12th following sailed to the Leeward Islands (leaving only the *Northumberland* behind who sprang her main-mast), and by advice from Anguilla I understand seven of them anchored under Mountserratt, the other three were delivering guns att Nevis. *Signed,* B. Bennett. *Endorsed,* Feb. 7, Read March 14, 1706. *Holograph. Undated. 6 pp. Enclosed,*

606. i. (a) Deposition of Daniel Greatbeatch. *Duplicate of C.S.P. 1703, No. 1014.lviii.* (b) Deposition of Benjamin Fox. *Duplicate of Nov. 8.* (c) Speech of Col. Anthony White to the Grand Jury, thereupon, Dec. 2, 1706. (d) Reply of the Grand Jury, affirming the integrity and good government of Col. Bennett. *Endorsed,* Recd. Feb. 7, 1706. 7 pp.

606. ii. Copy of trial of Thomas Barrow, Nov. 20, 21, 1706. *Grand Jury:* Capt. Daniell Keele, Foreman; Samuel Newbald, Mathew Witter, Joseph Durham, Richard Huntt, Robert Dickinson, John Darrell, Capt. Wm. Outerbridge, Capt. John Harvey, Benja. Burton, Daniell Tucker, John Gibbs, Richard Gilbert, James Bassett, Joseph Hutchins. True bill returned that Barrow publicly declared that he knew he could have no law or justice in the Island. He now denied the jurisdiction of the Court and refused to plead. He was fined 40*l.*, and in event of refusing to pay, to be kept in charge of the Provost Marshall. *Endorsed as preceding. 4 pp.*

606. iii. Trial of Capt. Newnam. *Duplicate of Nov. 8.*

606. iv. Act for regulating the Courts *etc.* *Duplicate of Nov. 8.*

606. v. Petition of E. Jones to Lt. Governor Bennett. June 4, 1705, petitioner moved to be admitted Clerk of the Court of Assize, but never impeded the Judges from holding the Court by denying them the perusal of the Records, nor protested against their proceedings. *Petitions* for the examination of said Judges in his presence before his departure on Saturday, Sept. 19, 1706. *Signed,* Ed. Jones. *Endorsed,* Recd. Feb. 7, 1706. *Copy. 1½ pp.*

606. vi. Interrogatories proposed to be put to the Judges Samuel Sherlock and Samuel Smith, *as in preceding. Same endorsement. Copy. 1½ pp.*

606. vii., viii. Petition of Mr. Jones to Lt. Gov. Bennett, with Interrogatories, praying that the witnesses against

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- him may be cross-examined thereupon. Sept. 18, 1706. *Same endorsement. Copies. 2½ pp.*
606. ix., x. Depositions of Thomas Bostock and George Darrell, Nov. 12, 1706, that by claiming the right of being Clerk of the Courts and refusing to part with the Records out of his hands Jones caused adjournments of the Courts, 1704, 1705. *Same endorsement. Copies. 2½ pp.*
606. xi. Justices of the Peace to Lt. Governor Bennett. *Protest* against the liberty allowed to Mr. Nelson by Mr. Jones as Provost Marshall, the irregularity of his accounts, his failure to produce a Grand Jury, his refusal to allow Dr. Josias Starr to be tried, on the grounds that he is his prisoner, though he has allowed Dr. Starr to be at liberty for many weeks *etc.* *Pray* H.E. to suspend Jones. *Signed*, Francis Jones, John Dickinson, Dll. Johnson, Tho. Burton, Richd. Gilbert, Henry Tucker, Wm. Outerbridge. *Same endorsement. Copy. 4 pp.*
606. xii. Assembly of Bermuda to Lt. Governor Bennett. Sept. 13, 1706. Mr. Samuel Daffy having carried about a paper for subscription setting forth that Mr. Jones was generally esteemed *etc.*, and that the Secretary for the time being allwayes acted as Clerk of the Council and Clerk of the Generall Assize, things notoriously false and scandalous, wee have voted that the Attorney Generall doe prosecute the subscribers. Severall of them have been examined before a Committee of this House, who all declare being perswaded and ignorant in such matters was the occasion of their signing it; indeed one Member of this House also signed, for which he hath been expelled the House, and lyable to be prosecuted with the rest; which libellous paper is supposed by us to be contrived by Jones to confront our former proceedings allready transmitted against him, wee make it our chiefest care and hope in a little time to finde out all the subscribers that they may receive their just reward and condign punishment. Jones has neglected his duty and obstructed the course of Justice by claiming the clerkship and calling the Court of Quarter Sessions his Court *etc.* *Same endorsement. Copy. 3 pp.*
606. xiii. Deposition of Lt. Col. Tucker, Nov. 12, 1706. Mr. Jones claimed the Clerkship at the Court of Assize held before Mr. Sherlock and Mr. Smith June 4, 1705, and caused the adjournment of the Court by refusing to produce their Commissions from the Records in his office *etc.* Since his last arrival, Capt. Jones, when deponent was one of the Justices at Quarter Sessions, claimed the Clerkship again and said it was his Court. *Signed*, Will. Tucker. *Same endorsement. Copy. 1½ pp.*

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606. xiv. Copy of Deposition of Thomas Burton, J.P. and Richd. Gilbert, J.P. to same effect as preceding. *Same endorsement.* 1 p.
606. xv. Copy of Deposition of Charles Minors. Capt. Jones threatened to sue any person who should act as Clerk of Assize without his permission, and thereby deterred him from so acting. *Same endorsement.* 1½ pp.
606. xvi. Copy of Deposition of John Dickinson, J.P. Mr. Jones refused to provide a jury for the Court at Quarter Sessions, July 18, 1706. The Court complained to the Governor of his contempt, etc. *Same endorsement.* 1 p.
606. xvii. Copy of Deposition of Saml. Sherlock and Samuel Smith, as first part of No. xiii. *Same endorsement.* 1½ pp. [C.O. 37, 7. Nos. 42, 42.i.-xvii.; and (without enclosures) 38, 6. pp. 234-243.]

Nov. 18.
Bermuda.

607. Lt. Governor Bennett to Mr. Popple. *Repeats part of preceding and refers to above enclosures relating to Mr. Jones. Signed, B. Bennett. Endorsed, Reed. 11th, Read 14th March, 1706. Holograph.* 2½ pp. [C.O. 37, 7. No. 44; and 38, 6. pp. 245-248.]

Nov. 18.
New York.

608. Governor Lord Cornbury to the Council of Trade and Plantations. *Refers to letter of Sept. 10. The Assembly of New Jersey was to sit at Amboy on Oct. 24. At my arrival at Amboy, I found none of the Council there, and but four of the Assembly, this was upon Friday, soe I thought fit to adjourn the Assembly till the Munday following, to give the Members both of Council and Assembly time to come in, on the Saturday Mr. Pinhorn, Mr. Mompesson and Col. Townley arrived, on Munday Col. Ingoldsby and Coll. Cox came to towne and 4 more of the Assembly, soe there not being enough to make a House I adjourned the Assembly till the next day, and soe for severall days, on Tuesday Major Sandford arrived and 4 more of the Assembly, and on Thursday I received letters from the Western Division, to acquaint me that Mr. Revell, Mr. Davenport, and Mr. Leeds, all three of the Council, were very ill, and likewise that the Speaker was ill, but hoped in few days to be able to travell. Mr. Jennings, who is a Quaker and one of the Council, wrote to me himself to desire that he might be excused from serving any more in Council, saying that the charges that attended that service were too great for a man in his circumstances. I acquainted the rest of the Council with that letter, who were all of opinion that his request ought to be granted, which I have agreed to, and if your Lordships please that Mr. Sonmans may be admitted in his stead, it shall be done as soon as I receive your orders for it. After having attended till Nov. 14, and finding noe likelihood of any more Members of the House coming, I adjourned the Assembly by proclamation to March 12, 1706, but since that, having discours'd Col. Quarry and some others of the Council, I have resolved to dissolve that Assembly, that we may have a new one chosen according to H.M. additional*

1706.

Instruction to me. Having last summer received from Mr. Secretary Harley H.M. Royall Commands to cause a grant or grants to be passed under the Seale of the Province of New Jersey of all the Proprietys and shares of Proprietys of Arent Sonmans, deceased, and Peter Sonmans his son, to one Joseph Ormston of London, merchant, and Rachell, his wife ; this letter was brought to me by one John Ormston, at a time when my wife lay very ill of a sicknesse of which she is since dead ; this Ormston was very pressing for me to goe immediately into New Jersey to dispatch that grant ; the letter being directed to me and Councill, I told him that as soon as I could see my wife in such a condition that I might hope to find her alive at my return I would goe, and accordingly I did in some time after that (hoping my wife had been upon the recovery) send to the Secretary of New Jersey to acquaint all the Gentlemen of the Councill that I desired them to meet me at Amboy on a certain day in June, at which time I was there according to appointment, but there met me but 3 of the Council, and as by my Instructions I am directed not to act with lesse than 5, unlesse it be in cases of emergency, in which I may act with 3, soe I did not think this case to be of that nature, espetially when the Secretary acquainted me that Mr. Peter Sonmans had entred a caveat in his office against the passing of any such grant, before he was heard ; I told Mr. Ormston that I was sorry it happned soe that he could not be dispatched at that time, but that I hoped in a little time I should get the Councill together, and that he should always find me ready to obey H.M. commands in all things ; after this I returned to York, where the people were in continual allarms, occasioned by the frequent accounts we had from the West Indies, of Monsieur d' Iberville's design of attacking this place, and indeed I did not think that a proper time to be absent from this place. I was therefore forced to put Mr. Ormston off till the time the Assembly was to meet at Amboy, which was to meet in October, this Mr. Ormston was extreemly angry at, and told some persons here that he would send complaints against me into England for this delay, this came to my knowledge but within a few days, and that is the cause of my troubling your Lordshipps with this matter at this time, hoping you will be soe kind as to stand my friends upon this occasion, considering the reasons that obliged me to it. Being at Amboy at the time the Assembly was to have sate there, and there being 5 of the Councill there, I did acquaint them with the commands I had received from H.M., and ordered the letter to be read, which being done and the Secretary acquainting the board that Mr. Sonmans had entred a caveat in his office, I ordered Mr. Ormston and Mr. Sonmans to be called in, and acquainted them that I had communicated the Queen's commands to the Councill, and that we were ready to hear what they had farther to offer. Mr. Ormston said that the Queen's orders were positive and that he expected in obedience to them he should have a grant under the seale of the Province of the estate of Arent Sonmans deceased, and Peter Sonmans his son. To this Mr. Sonmans replied, that this Order was

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obtained after he left England, and consequently without his being heard, that he is naturalised and consequently ought to be looked upon as a naturall born subject, and that as such he ought not to be divested of his freehold without being heard, that he had many things to offer against the passing of any such grant, and desired he might be heard by his Council on the Munday following, this order was made on Saturday, Nov. 9, and accordingly on Munday Mr. Sonman's Council was heard; Mr. Ormston having Council alsoe, the Council for Mr. Sonmans insisted that the Queen was deceived in her grant, and offered many reasons to prove it, which I don't trouble your Lordships with now, because I have sent a full account by the way of the West Indies, they further insisted that though an Alien can hold noe lands but in right of the Crowne, yet the Queen can make noe grant of any such lands till they are vested in the Queen by an office found upon Record; the Council for Mr. Ormston did not offer any things against the points of Law urged by the Council of the other side, but insisted that the Queen's commands were positive, and ought to be obeyed, and that the Governor and Council of New Jersey are not competent judges whether the Queen's commands shall be obeyed or not, and this was all that was offered on that side, this being done, I desired the Gentlemen of the Council to consider what had been offered on both sides, and that if they were not ready to give their opinions then, they should have time, but I had rather they would doe it then, they all said they were ready, and declared one after another, that they were of opinion that noe grant ought to passe, till the whole matter were humbly laid before H.M., and her pleasure farther known; this I have endeavoured to do as fully as I could by way of the West Indies, both to the Rt. Hon. Mr. Secretary Harley and to your Lordships, of which I would have sent duplicates by this ship, but I am come to towne just time enough to write this letter. *Signed*, Cornbury. *Endorsed*, Reed. April 28, Read May 7, 1707. *Holograph*. 3½ pp. [C.O. 5, 970. No. 44; and 5, 994A. pp. 293-300.]

Nov. 18. **609.** W. Popple to Sir John Stanley and Wm. Bridges.
Whitehall. The Council of Trade and Plantations being informed that you have received severall papers from Barbadoes and in particular the Act for *ascertaining the continuance of the General Assembly*, desire you to let them have them as soon as possible. [C.O. 29, 10. p. 207.]

Nov. 18. **610.** Mr. Secretary Hedges to the Council of Trade and
Whitehall. Plantations. You are to transmitt the Instructions for Governor Crowe, in order to their being laid before H.M. in Council to-morrow. *Signed*, C. Hedges. *Endorsed*, Reed. Read Nov. 19, 1706. ½ p. [C.O. 28, 9. No. 77; and 29, 10. pp. 211, 212.]

Nov. 19. **611.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. *Acknowledge preceding*. We have transmitted the

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Instructions. We should have been very glad to have received the directions of the Lords in the choice of a new Councill (Nov. 15) but being pressed by your letter we have annexed the names of such persons as upon the most impartial enquiry wee find most proper *etc.* See following. *Autograph signatures.* *Endorsed,* R. Nov. 19. 1 $\frac{1}{2}$ pp. [C.O. 28, 38. No. 55; and 29, 10. pp. 348, 349.]

Nov. 19.
Whitehall.

612. Council of Trade and Plantations to the Queen. *Enclose draught of Instructions to Governor Crowe.* But whereas it has been represented to us, that several of your Majestie's Councill there have been contrivers and promoters of the late Acts, *to supply the want of cash and for ascertaining the continuance of the General Assembly,* which have occasioned much trouble and disorder there, and that the said Counsellors have made use of the Paper Bills issued out according to the late Act to pay their particular debts; that they are incumbered with debts and engaged in Law Suits: We are humbly of opinion that those persons are not proper to assist your Majestie's Governor in the execution of your Majestie's Commission and Instructions, nor will readily contribute to the passing any future Law for the indemnifying such persons as have been sufferers by the Paper Act, as has been already directed by your Majesty. We therefore herewith humbly offer the names of such persons as the Merchants and others concerned in the trade of Barbadoes, several of which were upon the Island during these transactions, have represented to us as most fit and proper in this conjuncture to carry on your Majesty's service and the good of the Island. *Autograph signatures.* *Endorsed;* Recd. Nov. 19. 2 pp. *Annexed,*

612. i. Lists of persons recommended to be Councillors of Barbados by Lord Grey, Sir B. Granville, and others. Present Council: Characters by Mr. Heysham, Col. Scot and others:—

George Lillington: Suspended. A sensible man and good estate.

Wm. Sharpe: Much in debt: an execution against him. He was for the Paper Bill, and paid severall of his debts with those Bills.

Pat Meine: In England. He has no estate in Barbadoes, but what he detains from orphans.

Richard Scot: In England. An honest man.

Thomas Merrick: For the Bill. Dead.

Saml. Cox: Much in debt and for the Bill.

Wm. Cleland: For the Bill. The promoter of all their disorders.

John Mills: Much in debt; for the Bill and has paid off a judgment of 1,000*l.* in Bills.

James Colleton: For the Bill (Dead).

Alex. Walker: Very much in debt, a promoter of ye Bill.

Middleton Chamberlain: In debt, very much involved in Law.

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Council agreed by the Board, Nov. 19, 1706. George Lillington, Tobias Frere, Richard Scott, Thomas Merrick (*dead*), Wm. Wheeler, John Hallett, John Lesley (*bad and in debt*), John Wiltshire (*dead*), Thomas Alleyne, John Pilgrim, Simon Lambert (*Promoter of Divisions*), Wm. Cole. 2 pp. [C.O. 28, 38. Nos. 56, 56.i.; and 29, 10. pp. 212-215; and (*without covering letter*) 28, 9. No. 78.]

Nov. 19. **613.** Order of Queen in Council. Referring following to Kensington. the Council of Trade and Plantations for their report. Signed, John Povey. 1½ pp. Enclosed,

613. i. Council and Assembly of Barbados to the Queen. Upon alarm of a French invasion last December, the Governor put the Militia in the best disposition they were capable of, and fortifications, laid out by Col. Lilly, were begun at great expence and labour night and day. The charge has been very grievous and infinitely prejudicial to the Plantation affairs of your subjects here, and so by consequence a loss to Trade. Pray that the 4½ p.c. collected in the Island may be disposed of there by H.M. Commissioners of Customs of the Island in the completion of the said fortifications, thereby saving the hazard and great charges of transmitting the same to England and back. Petitioners represent the weak condition of their Militia, and pray H.M. to order a full Regiment of regular troops for strengthening the same. For the better encouragement of such troops, an Act is passing appointing free quarter as an addition to your Majesty's pay, which petitioners humbly pray may be fully and punctually paid them within said Island; without which, notwithstanding of said free quarter, they will not be upon equal foot with your Majesty's troops in Europe. Signed, Wm. Sharpe, Saml. Cox, Wm. Cleland, John Milles, James Colleton, Middleton Chamberlen, Alexander Walker, Thomas Alleyne, Speaker, John Holder, George Peers, Thomas Sandiforde, Paul Lyte, Reynd. Alleyne, Sim. Lambert, Benj. Bullard, Elisha Holder, Thos. Prideaux, Richd. Sandiford, Robert Waite, Thos. Pridcaux. Endorsed, Reed. Read Jan. 8, 1707. 2 pp. [C.O. 28, 9. Nos. 86, 86.i.; and 29, 10. pp. 377-383.]

Nov. 19. **614.** Order of Queen in Council. Repealing 13 Acts of Kensington. New Hampshire as advised July 19. Signed, John Povey. Endorsed, Reed. Read Dec. 6, 1706. 2½ pp. [C.O. 5, 864. No. 79; and 5, 912. pp. 210-213.]

Nov. 19. **615.** Order of Queen in Council. Ratifying 13 Acts of Kensington. New Hampshire, as advised July 19. Signed and endorsed as preceding. 2 pp. [C.O. 5, 864. No. 80; and 5, 912. pp. 213-216.]

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Nov. 19.
Jamaica.

616. Governor Handasyd to the Council of Trade and Plantations. *Acknowledges* duplicate of July 19, with H.M. Instructions on a Petition from Bristol relating to bottled ale, which I have laid before the Assembly now sitting. I inclose the best account I can gett of the French and Spaniards' attempt on Carolina, which I desire your Lops, after your perusal, will send to the Secretary of State, if you think it proper. The Chief Justice of this Island, Col. Walters, departing this life, I have been obliged to appoint in his stead Coll. Peter Heywood, who has been the eldest Assistant Judge these 12 or 13 years; I must confess I have no extraordinary opinion of him, but he was the best I could get, having proffered it to severall other Gentlemen, who I thought were fitter for it, and they all declined it. The Assembly have made three Bills ready which they would oblige me to pass before they go on any other business, though they are all contrary to H.M. Instructions, one for quartering the Regiment for three months; another an explanatory Act as they call it, to the Act relating to H.M. Quitt-Rents, and in effect is the recalling an Act made two years ago, by which severall lands fell to H.M. for the non-payment of the Quitt-rents. In which they first gave 12 months time for the advantage of the Proprietors, before the land became forfeited to the Queen; and after that re-enacted it for six months longer; and it is possitively contrary to H.M. Instructions, that any Act should be re-enacted but on an extraordinary occasion, and on no pretensions to do it a second time without H.M. leave first obtained for the same. The third is an Act for regulating the fees of offices, vizt. the Secretary of the Island's, the Provost Marshall's, the Clerk of the Crown's, the Clerk of the Court's, and the Register's in Chancery; but in plain is for no other reason than to discourage Englishmen's serving in any office here, that they may engross all into their own hands; in the same Act they oblige all lawyers to take a fee of a piece of eight and no more, which will not go farther here than a shilling in England, considering the charges of travelling and other expenses they must be at; but there being good and sufficient Laws already made for 21 years for the regulation of all fees of offices etc., I am therefore resolved not to pass this Bill; nor will I do the two former till I have directions from your Lops., which I cannot expect this Sessions. But as to the Quartering Act, they are beginning another for 12 months, and I hope I shall be able to prevent their tacking the other two to it, this year. I proposed to the Assembly for the advantage of H.M. Revenue, the inserting a clause in the Quitt-Rent Act to empower the Receiver-Generall to tender an oath to all such as come to pay their Quitt-Rents, to oblige them to discover whether they have any more lands in their possession than they then pay Quitt-Rent for, either belonging to themselves or others; but it being a custom here for persons to keep in their possession several hundred acres of land they pay no Quitt-rent for, they have wholly declined it, as appears by the Minutes of the Councill and Assembly now sent to your Lops. I am now to recommend to your Lops.

1706.

Mr. John Ayscough to be one of the Councill in the room of Coll. John Walters deceased; he has always behaved himselfe in the Assembly with a great deal of respect to the Queen's authority: he understands the Law, and is a man of as good substance as any in the Island. I have taken care to give the Spaniards all the notice I can of the success of H.M. and her Allies, and here being some Spanish letters taken in a Spanish vessell, I have sent such of them as were for the advantage of King Charles to the Spanish coast, as directed. Understanding the Attorney General is endeavouring to get leave to go home, I desire if it is so and that he has leave, I may have such a one in his stead that I can depend on. The Island is at present healthy, the fleet is in a fair way of recovery, but has lost betwixt 400 and 500 men. I enclose to your Lops. a clause the Assembly have made and inserted in the Bill for regulating fees, with some remarks on it, by which your Lorps. will plainly see the barbarous designs of the people here to defraud every honest man who has any rent charge or other debt on any estate in the country. *Signed*, Tho. Handasyd. *Endorsed*, Recd. Jan. 6, Read Feb. 17, 1706. 3 pp. *Enclosed*,

616. i. Clause inserted by the Assembly of Jamaica in the *Act for regulating fees*. All bills of sale and conveyances, by any person who by law might sell or convey any lands or tenements (infants under age excepted) and the same duly acknowledged before any Court of Record and duly recorded in the Secretary's Office, shall be good and valid in the Law against every person that shall claim any manner of estate or interest of, in, or to the lands, tenements *etc.* conveyed as aforesaid, as fully as any lands in England might be passed by fine and recovery duly levied in H.M. Courts of Westminster *etc.* *Note by Governor Handasyd* :—By this clause it will be in the power of the husband and wife, or of tenant in tayl, under pretence of cutting off the entayl, not only to defeat all persons that have any collaterall interest issuing out of the estate-tayl of their right, but also to cheat all minors of their portions *etc.*, and it is plainly calculated for the case of a particular Gentleman in this Island *etc.* This clause must also endanger the interest of several mortgages of estates in this Island. No regard is had to the interests of infants by inserting a proviso for saving their interests in any estate to be conveyed by this Act, for such a proviso would have defeated the design of the Act, the clause being levelled against a particular infant *etc.* *Endorsed*, Recd. Jan. 6, 1706. 1½ pp. [C.O. 137, 7. Nos. 35, 35.i.; and (without enclosure) 138, 12. pp. 53–58.]

Nov. 19. **617.** Account of the invasion of South Carolina, forwarded by Governor Handasyd. [See Oct. 3.] *Endorsed*, Recd. Jan. 6, Read Feb. 17, 1706. 5 pp. [C.O. 5, 1263. No. 135; and 5, 382. No. 10.]

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Nov. 19.
Whitehall.

618. W. Popple, jr., to Mr. Attorney General. The Council of Trade and Plantations desire your opinion, whether the Queen or any of her Judges have power to suspend a Barrister at Law from the practice of the Law. [*C.O.* 29, 10. *p.* 349; and 319, 1. *p.* 70.]

Nov. 20.

619. Attorney General to the Council of Trade and Plantations. *Reply to preceding.* I am of opinion that a Barrister at Law for a contempt committed in Court, and recorded by the Court, may for ye same be for some time suspended from practising in that Court, and being legally convicted of any enormous crime, which makes him unworthy to practise the Law, may be adjudg'd incapable to practice for ever after, but no Judge can without such reason, suspend any Barrister from practising the Law, and it hath not been usual for H.M. predecessors to intermeddle in matters of this nature, but the same have been left to their Judges and Courts of Justice. *Signed*, Edw. Northey. *Endorsed*, Recd. Read Nov. 21, 1706. 1 *p.* [*C.O.* 28, 9. *No.* 79; and 29, 10. *pp.* 350, 351; and 319, 1. *pp.* 70, 71.]

Nov. 21.

620. Board of Ordnance to Sir C. Hedges. Wee had, before the receipt of your letter of Nov. 18, put the 500 arms on board the two vessels, laden with Ordnance stores for Nevis and St. Kitts; and have since put the like number of swords and bayonets on board etc. *Signed*, C. Musgrave, Ja. Lowther, Ja. Craggs. 1 *p.* [*C.O.* 152, 39. *No.* 112.]

Nov. 22.

621. John Lyon to the Council of Trade and Plantations. Prays that Patrick Meine may not be continued a Member of Council of Barbados, for he has no estate and is indebted for the rents etc. of the estate of John Johnstone, which he unjustly detains etc. There is now a Bill in Chancery against him. *Signed*, John Lyon. *Endorsed*, Recd. Read Nov. 22, 1706. 1½ *pp.* [*C.O.* 28, 9. *No.* 80; and 29, 10. *pp.* 356, 357.]

Nov. 22.
Whitehall.

622. Mr. Ball to the Council of Trade and Plantations. My affidavit against Mr. Skeene is in every part true. The justice of his trial at Barbados may be inferred from their sending a false copy of my affidavit, etc. *Signed*, Guy Ball. *Endorsed*, Recd. Read Nov. 22, 1706. 1 large *p.* [*C.O.* 28, 9. *No.* 81; and 29, 10. *pp.* 358-361.]

Nov. 22.
Whitehall.

623. Council of Trade and Plantations to the Queen. It not appearing to us that Thomas Hodges [*see* Nov. 14] did commit any contempt to your Majestie's Court in which he pleaded or that there is sufficient proof of the misbehaviour alledged against him, we humbly offer that his suspension be revoked. [*C.O.* 29, 10. *pp.* 352, 353.]

Nov. 22.
Whitehall.

624. Council of Trade and Plantations to the Queen. We have considered the petitions [*Nov.* 14], against the Act of

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Barbados for continuing Assemblies etc. This Act having past Aug. 13 last, and we not having yet received a copy thereof in due form under the Seal of the Island, nor the Minutes of Council and Journals of Assembly by which this and the Act for establishing a Paper credit were past, we are making the best enquiry to find out by what neglect this failure in your Majesty's service has been occasioned; But having received from the Petitioners, whom we find to be very considerable in number and estates, an authentick copy of the said Act attested by the Deputy Clerk of the Assembly, we humbly lay the same before your Majesty, with our opinion that the former Law of 1660, which is superceded by this Act, has been esteemed a good and usefull Law to the Island, and that the changing that Law as intended by the late Act at the time when it was past may be of ill consequence; it appearing to us that it was chiefly intended to support, for the term of 3 years in the Assembly, those persons who had most contributed to the passing the late Act for Paper money. Upon which we humbly offer that your Majesty be pleased to disallow and repeal the above-mentioned Act; Whereby the present Assembly will be dissolved and your Majesty's Governor will be at liberty to call a new one. [C.O. 29, 10. pp. 353-355.]

Nov. 22. **625.** Mr. Secretary Hedges to the Council of Trade and
Whitehall. Plantations. Encloses following. *Signed*, C. Hedges. *Endorsed*,
Recd. Read Nov. 25, 1706. $\frac{1}{2}$ p. *Enclosed*,
625. i. Lt. Governor Bennett to Sir C. Hedges, March 11 (q.v.).
Copy. 3 pp. [C.O. 37, 7. Nos. 35, 35.i.; and 38, 6.
p. 222.]

Nov. 25. **626.** Account of Trade and Fishery of Newfoundland.
Abstract of Nov. 11. [C.O. 195, 4. p. 329.]

Nov. 25. **627.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Hedges. In reply to No. 625, refer to representation of July 4
and H.M. Order, July 15, "so that we do not find there is at
present any want of Counsellors in" Bermuda. *Autograph*
signatures. 1 p. [C.O. 37, 26. No. 17; and 38, 6. pp. 222,
223.]

Nov. 26. **628.** G. Willcocks to the Council of Trade and Plantations.
I have been appointed Agent for Merchants etc. in Pennsylvania
to oppose some Laws lately passed there. One reason is because
they are not approved by a Governour lawfully authorized for
that purpose. That Government is actually conveyed and not
legally delegated by Mr. Penn to John Evans, who pretends
to an authority to approve the Acts, directing the qualifications
of officers, and laying a duty of 2 $\frac{1}{2}$ d. per lb. and 10s. per head, as
also a duty of excise upon liquors etc. *Signed*, Geo. Willcocks.
1 $\frac{1}{2}$ pp. *Enclosed*,
628. i. J. Moore to Mr. Willcocks. Philada., March 12, 1708.
Some worthy and honest gentlemen (sons of the Church)

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put into your hands the solicitation of *above* business, etc. *Signed*, J. Moore, Saml. Pinney, Willm. Trent, George Rock, Jos. Pidgeon. $1\frac{3}{4}$ pp.

628. ii. Same to Same. Philada., Aug. 18, 1706. *Encloses preceding etc. Signed*, J. Moore. *Endorsed*, Recd. Read Nov. 27, 1706. $\frac{3}{4}$ p. [C.O. 5, 1263. Nos. 126, 127, 127.i.; and (without enclosures) 5, 1291. pp. 426-428.]

Nov. 26.
Whitehall.

629. Council of Trade and Plantations to Mr. Secretary Hedges. We think it requisite to inform you of the death of Col. Nott, Governor of Virginia, and desire you to lay the same before H.M., in order to the nomination and dispatch of another Governor for that Colony, which is of so great importance to H.M. *Autograph signatures*. 1 p. [C.O. 5, 1341. No. 3; and 5, 1362. p. 86.]

Nov. 27.

630. Governor, Council and Assembly of Maryland to the Queen. Whereas this your Majesty's Province is wholly destitute of any manner of coyne, for want of which we labour under the greatest difficultys and inconveniences imaginable, our Tradesmen for want of prompt payment deserting us, our Country exposed to every insult that may be made on us, and for many other weighty reasons too tedious here to be inserted, we do most humbly address your sacred Majesty, that you will be most graciously pleas'd to grant us a particular species of a small copper coyn in pence, threepences and sixpences, with your Majesty's Royall Portraiture on the one side and Maryland on the other, the intrinsick vallue thereof, and your Majesty's charge of coynage amounting to 700*l.* sterl., to be remitted by us your Loyal Subjects to your Treasury in England, and the said coyne to be made only currant in this your Majesty's Province by your Royal Proclamation, the Publick faith here standing engaged for the security of all such, who shall receive any of the said coyns. Which will be a most Royall Benificence to your Majesty's most loyal and dutiful subjects. *Signed*, J. Seymour, Tho. Tench, Robert Smith, John Hammond, Fra. Jenckins, Edwd. Lloyd, Wm. Holland, James Sanders, Kenelm Cheseldyn, Will. Coursey, Thomas Ennalls, Tho. Greenfield, R. Bradly, Robt. Tayler, Samuel Magruder, Tho. Smyth, Speaker, G. Muschamp, James Hay, R. Gouldeborough, James Smallwood, Jno. Contee, Ch. Greenberry, Nico. Lowe, Wm. Frisby, Elias King, Saml. Young, Tho. Frisby, Jno. Wells, Robt. Skinner, Will. Stone, Richd. Jones, jr., Joseph Hill, James Maxwell, Joseph Ennalls, James Phillips, John Jones, Fra. Dallahide, Henry Coursey, Jno. Machall, Hu. Eccleston, Gerard Fowke, Edward Blay, Jno. McClester, Wm. Watts, Tho. Howe, Wm. Aisquith, Jno. Leach, Thomas Beale, Jos. Gray, Wm. Dare. *Subscribed*,

630. i. H.M. having been moved on this Petition, refers the same to the Councill of Trade and Plantations, to consider thereof, and report what may be fit for H.M.

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to do therein, whereupon she will declare her further pleasure. Whitehall, Nov. 27, 1706. *Countersigned*, C. Hedges. *Endorsed*, Recd. Read Dec. 19, 1706. 1 large p. [C.O. 5, 716. Nos. 18, 18.i.; and 5, 726. pp. 395-398.]

Nov. 27.
Whitehall.

631. Council of Trade and Plantations to the Lord High Treasurer. *Enclose letters etc.* from Mr. Bridger (Oct. 18 and 24). We humbly offer that it may be for H.M. service that this Trade (*in Naval stores*), which will every year be carried on to greater perfection may not in it's beginning meet with any exceptions and scruples as to the goodness of the commodity, so as to hinder the payment of the full premium directed by Act of Parliament, lest otherwise the people be diverted from the produce of these stores and turn their labour to the woollen manufacture, wherein they have already made too great a progress. [C.O. 5, 912. pp. 206, 207.]

Nov. 28.
Barbadoes.

632. Col. Sharpe, President of the Council of Barbados, to the Council of Trade and Plantations. I am honoured with your Lordships' letter of Sept. 26, directed to Sir B. Granville *etc.* I doubt not your Lordships have been thoroughly made sensible of ye generall dissatisfaction [*the Act to supply the want of cash*] has given. I have presumed to inclose ye Minute of ye General Assembly here at its passing, which shews it was then carried but by one voice; as also my opinion of it in what I say'd to ye Members of H.M. Council and ye General Assembly, at their first meeting me in Council. Col. Merrick, one of ye Members of Council here, is lately dead, and there being now but 6 on this Island, I designed to sweare Raynes Bate, Esq., an honest worthy Gentleman, in his room, to make up ye number 7, according to H.M. direction; but not being able for several meetings to make a Council ye vacancy still remains. Col. John Wiltshire, late Receiver of H.M. Casual Revenues here, being also dead, I have placed Thomas Affleck, Esq. in his stead, who I hope will meet your Lordships' approbation as a person duely qualified for that trust. I shall endeavour to improve ye good agreement Sir B. Granville began with ye inhabitants on H.M. Island St. Vincents, and take all ye care imaginable to engage them to throw off their dependence on ye French, as a matter of considerable advantage to this place. I now send your Lordships, under ye Seale of this Island, the following Acts:—(i.) *For ye better regulation of ye Courts of Common Pleas etc.*; (ii.) *To repeal certain Clauses in an Act, to preserve ye ffreedom of Elections etc.* (iii.) *Concerning ye Agents for solicitation of ye publick affairs of this Island.* And also ye Naval Officer's two quarterly lists of ships that have entred and cleared here, March 25 to June 24, and June 25 to Sept. 24, 1706. Signed, Wm. Sharpe. *Endorsed*, Recd. 8th, Read 17th Feb., 1707. 3 pp. *Enclosed*,

632. i. Minute of Assembly of Barbados, May 7, 1706, *referred to in preceding.* *Endorsed*, Recd. Feb. 8, 1707. 1 p.

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632. ii. Part of Col. Sharpe's speech to the Council and Assembly of Barbados. (*See* Dec. 5.) "We now find that the Act designed for a paper credit has been so far from answering the ends proposed by it, that I much fear it has given a dangerous blow to our reputation in all parts of our commerce, nor has it been less greivious to the poor Inhabitants, who in great measure are the sinews of our country, and deserve particular care and protection. It being from 40 to 50 *p.c.* in exchange worse than silver, as also in Barter for all comodities, tho' in all payments forc't upon the creditor at par, we have had a large credit from home and we have discharged it with imaginary payments, so that the generous Adventurer scarce has return'd him half his own. What misfortunes this will bring upon us, is easier to conceive than avoid. The defects and errors in the most essential parts of that Act, I'm apprehensive are too many for a slight amendment or correction; yet some resolutions you must fall upon to preserve the poor remains of our credit, lest we be represented under such characters as I'm asham'd to think of." *Endorsed as preceding.* 1 p. [*C.O.* 28, 9. *Nos.* 91, 91.i., ii.; and (*without enclosures*) 29, 10. *pp.* 393-398.]

Nov. 29. **633.** Mr. Dummer to Mr. Popple. *Encloses* printed list
London. of sailings of the West India packets. *Signed*, E. Dummer. *Endorsed*, *Recd.* Read Dec. 6, 1706. *Addressed.* 3 pp. [*C.O.* 323, 6. *Nos.* 22, 22.i.]

Nov. 30. **634.** Mr. Secretary Hedges to the Council of Trade and
Whitehall. Plantations. *Encloses following.* *Signed*, C. Hedges. *Endorsed*, *Recd.* Dec. 3, 1706, Read Jan. 20, 1706. $\frac{1}{2}$ p. *Enclosed*,

634. i. Commodore Underdown to Mr. Secretary Hedges. *Falkland* in Plymouth Sound, Nov. 11, 1706. Upon my arrival in St. John's Harbour, I published H.M. Declaration for constituting a Militia to be published there and in other inhabited harbours, and appointed officers fittest for that purpose. *Refers to enclosures.* I cannot find that any of H.M. officers carry on any trade there. I endeavored to perswade the inhabitants to dwell as near the Fort as possible, where is a spott of ground addopted for that purpose, with good banks thrown up, and has had very good effect, for there was nere 100 houses and about 500 men, besides women and children, which men will be of great service to ye garrison, should it be attackt. I have on board as prisner, Thomas Larimore, a person suspected of very ill desighns and practices. Copy of his examination and the commission he so impudently personated of Capt. Larrimores inclosed. I have also on board one Willm. Goffe who had the misfortune at St. Johns accidentally to kill a man etc. *Signed*, Jno. Underdown. *Endorsed*, *Recd.* Dec. 3, 1706. *Addressed.* 2 pp.

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634. ii. A survey of provisions at St. John's Fort, Sept. 20, 1706. *Signed*, Jno. White, Wm. Lee, Wm. Lloyd. *Endorsed*, Reed. Dec. 3, 1706, Read Jan. 20, 1707. 1½ pp.
634. iii. Capt. Latham's report on the Fort at St. Johns, and proposal for securing the Boom. *Signed*, Robt. Latham. 2 pp.
634. iv. List of the guns in Fort William, St. Johns. *Signed*, Robt. Latham. *Endorsed*, Reed. Dec. 3, 1706. ¼ p.
634. v. Muster-Roll of the Garrison at St. Johns, Oct. 4, 1706. 77 men and 12 officers etc. *Endorsed as preceding*. 1 large p.
634. vi. Account of the inhabitants, fishing ships and fish caught in Newfoundland, 1706. [See Nov. 11.] *Signed*, Jon. Underdown. *Same endorsement*. 1 p.
634. vii. Officers of Militia appointed by Commodore Underdown, St. Johns, Sept., 1706. Captains:—Henry Studley, Rich. Colesworthy, John Collins, Jeffery Lang, Matthew Hudson, Xpher Archer, Elias Andrews, Walter Short, William Short. Lieuts.:—Thomas Minshaw, John Jenkins, Gilbert Jane, Wm. Roberts, Oliver Lang, Thomas Hawkins, Peter White, Thos. Codner, John Tucker. Ensigns:—Richd. Roberts, Wm. Squary, Edwd. Shepheard, John Collins, Azarias Condett, Wm. Topley, John Elliott, Richd. Clog. *Signed and endorsed as preceding*. 1 p.
634. viii. Stores of War in Newfoundland, Sept. 20, 1706. *Signed*, Jno. Huxford, Charles Turner, Nicholas Ardrin, Edward Elward. *Endorsed as preceding*. Lists partly printed. 3 large pp. [C.O. 194, 4. Nos. 11, 11. i.-viii.; and (without enclosures) 195, 4. p. 336.]

Nov. 30.
Treasury
Chambers.

635. Mr. Lowndes to Mr. Popple. *Encloses following*. My Lord Treasurer desires the Lords Commissioners of Trade to send for some of the Commrs. of the Navy and consider with them of the severall proposalls, and report to his Lopp. what they thinke fit to be done. *Signed*, Wm. Lowndes. *Endorsed*, Reed. Read Dec. 6, 1706. 1 p. *Enclosed*,

635. i. J. Bridger to the Lord High Treasurer. *Repeats* proposals of Oct. 18, q.v. *Signed*, J. Bridger. 4 pp. [C.O. 5, 864. Nos. 77, 78; and (without enclosure) 5, 912. pp. 207, 208.]

Dec. 2.
Whitehall.

636. Mr. Sec. Hedges to the Council of Trade and Plantations. *Encloses* letters from Col. Seymour, Col. Dudley, Mr. Heathcote, Capt. Lloyd and Mr. Byfield. *Signed*, C. Hedges. *Endorsed*, Reed. Dec. 3, 1706, Read Feb. 21, 1707. ½ p. [C.O. 323, 6. No. 27; and 324, 9. p. 135.]

[Dec. 2.]

637. Caleb Heathcote to Mr. Secretary Hedges. Relating to his proposal concerning Naval Stores. New Yorke, April 16, 1706. *Referred to in preceding*. *Signed*, Caleb Heathcote.

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Endorsed, R. Nov. 25, 1706. Recd. (*by the Board of Trade*) Dec. 3, 1706, Read Feb. 21, 170 $\frac{6}{7}$. 2 pp. [*C.O.* 5, 1049. No. 24.]

[Dec. 2.]

638. Inhabitants and Traders in and to Nevis to the Queen. The devastation lately made by the French caused severall of the inhabitants to withdraw their persons and the small remainder of their estates from thence, and others daily follow, insomuch that the said Island may become uninhabited. For remedy *propose* the appointment as Lt. Governor of a man of loyalty to your Majestie and interest with the inhabitants. Col. Daniel Smith is such a person. His courage and conduct was particularly signalized in the defence of that Island, in which he received a wound. *Signed*, Jos. Jory, Miles Stapleton, Rich. Meriwether, Ja. Walker, George Turney, Dav. Foulis, Jon. Vaughan, Joseph Martyn, John Tonstall, Aza. Pinney, Samll. Ball, Jon. Meriwether, Wm. Coleman, Nath. Carpenter. *Subscribed*,

638. i. H.M. having been moved upon this petition, refers the same to the Council of Trade and Plantations. *Signed*, C. Hedges. *The whole endorsed*, Recd. Read Dec. 9, 1706. 1 p. [*C.O.* 152, 6. Nos. 67, 67.i.; and 153, 9. pp. 419, 420.]

Dec. 2.

639. Deposition of B. Vanderwerff. Enclosed is a true copy of a law passed in Pensilvania, *etc.* *Signed*, Benja. Vanderwerff. *Endorsed*, Recd. Read Dec. 10, 1706. $\frac{3}{4}$ p. *Enclosed*,

639. i. Copy of Act *directing the qualifications of officers, etc.* [*C.O.* 5, 1263. Nos. 129, 129.i.]

[Dec. 3.]

640. Richard Butler and others to the Council of Trade and Plantations. Further proposals *etc.* in pursuance of Memorial, June 10. *Endorsed*, Recd. Read Dec. 3, 1706. 3 pp. [*C.O.* 323, 6. Nos. 21, 21.i.]

Dec. 3.
Whitehall.

641. Council of Trade and Plantations to the Queen. Report upon the petition of Richard Butler and others (June 10). The proposal of the Petitioners for clothing 200,000 servants and slaves *etc.* cannot be effected as they desire unless the Assemblies in the several Plantations shou'd agree to pass Acts to compell the inhabitants to cloath their servants and slaves with such linsey woolsey, or that an Act of Parliament as they desire be past here for that purpose. We are further humbly of opinion that the wares and merchandises of any sort to be sent from England for the supply of your Majesty's Plantations, ought rather to be recommended to your subjects there by their proper goodness, usefulness and cheapness than be imposed upon them by a rated price, by the power and compulsion of Laws which wou'd be the greatest discouragement to trade. That the obtaining of such Laws in the Plantations we humbly conceive will meet with a general opposition from the merchants and planters, for that the petitioners expect that in order to their design, great taxes be laid upon most branches of trade in those parts, which in a great measure are already tax'd, and all of

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them appropriated to the public service, so that the sending of the queries annex'd to the said Petition to the several Governors, as desired by the petitioners, may raise jealousies and occasion disturbances amongst your Majesty's subjects in those parts, which may be attended with very ill consequences, so that instead of what is proposed by the petitioners, we have advised them to apply themselves to the promoting of the manufacture by sending over in the ord'nary course of trade, some specimens or patterns of linsey woolsey shapes or cloaths, that so upon tryal of them first had, it may be made appear that what is proposed by the petitioners was designed more for a public benefit than for a particular profit or interest. We have also acquainted them that the woollen goods of all sorts from England will be at present in great demand in several parts of the continent, in as much as those people have been induced by proper encouragements to desist from carrying on and working that manufacture in America, and in lieu thereof have applied themselves to the produce of pitch, tar and other naval stores, of which considerable quantities are now arrived, in barter whereof the woollen manufacture of England will be readily accepted of. [C.O. 324, 9. pp. 131-133.]

Dec. 4. **642.** W. Popple, jr., to Wm. Lowndes. *Encloses* Act of
Whitehall. Virginia for the settling of ports, etc., for the opinion of the Commissioners of H.M. Customs. [C.O. 5, 1362. pp. 86, 87.]

Dec. 4. **643.** Council of Trade and Plantations to the Earl of
Whitehall. Sunderland. *Signify* that, as Principal Secretary of State, he is one of the Commissioners of Trade etc. [C.O. 389, 36. p. 319.]

Dec. 5. **644.** Col. Sharpe to the Council of Trade and Plantations.
Barbadoes. *Refers* to letter of Nov. 28. Since which we have received great life from H.M. happy repeated assurances of her Royall care and protection given us by Sir John Jennings, who with the squadron of H.M. ships under his command arrived here Nov. 29, and after haveing communicated such H.M. royall favour and his great zeal and readiness to enterprize anything for our advantage, sayled this day for the Leeward Islands with an humble Address to H.M. and the thanks of this Government. I have ever since Sir B. Granville left this Government, endeavour'd to compose the Heats and animosities which have so long distracted this unhappy Place, and did once flatter myself I should have succeeded in so just a design, and in order to it at my first meeting the Council and Assembly, I did freely communicate my thoughts upon the present posture of our affaires to them; (*copy enclosed*). But to my great disappointment I have found the apprehensions some persons have entertain'd, that our Paper Act would be amended, I humbly mean, brought from their own advantage to the publick good, have prevented all healing methods of reconciling our unhappy differencies, and instead thereof have infused groundless feares into the people, of many alterations design'd in the Military and Civil Offices, altho it is notorious

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no one officer, Civil or Military, has been displaced since Sir B. Granville left us ; nor has anything been transacted but according to the settlement of the Government unanimously agreed upon by Sir Bevill and them all. Nor have they stopt here, but have proceeded to discourse publickly of their intentions (tho but three of the Members of H.M. Council here), to endeavour by all the meanes imaginable to dissolve the settlement of the Government dureing a Presidency, which according to H.M. Patent and directions to Sir B. Granville was so solemnly settled by Him and the whole Council upon his designing to leave us, and since twice, as solemnly and unanimously, affirm'd by the whole Council again. These unwarrantable proceedings still keep alive our divisions, and universally convince the People that they are intended only to prevent any alterations of the Paper Act, which now plainly appeares to be the greatest misfortune imaginable to us, and that at the passing the Assembly was carried but by one voice. But this matter we heare now lyes under H.M. consideration, which is a great satisfaction to us. *Signed*, Wm. Sharpe. *Endorsed*, Recd. 14th, Read 17th March, 1706. *Holograph*. 3 pp. *Enclosed*,

644. i. Copy of Col. Sharpe's Speech to the Council and Assembly of Barbados on their first meeting him in Council. There is no way to prevent our impending ruine but to lay aside those animosities and prejudices which threaten it. I have the honour of giving the example, which I am proud to find had that universall influence as to bring the whole people unanimously in to me *etc*. *Recommends* fortifying the country. And here I can't but commiserate the unhappy circumstances of the inferiour sort of our inhabitants, who are so disheartened by the fatigue, labour and insupportable expence of military duty, that most of them are forced to seek for support in other parts, and those who remain are but so many miserable objects of charity. Your Militia is hereby reduced lower than I can give myselve leave to mention, and yett daily decreasing, so that we have not even the consolation of knowing where the mischief will end. To supply this difficiency I am of opinion that we address her sacred Majesty for such fforces as may perform the severer duties, and that such provision be made for their subsistance, as will be least grievous to the Country. To do all this, you must be at great expence ; nothing but a firm perswasion of the necessity of these measures could prevail upon me to recommend them ; my own possessions will subject me to as large a share of the burthen as any. Trade is essential, even to the being of a Colony ; this tender Plant all wise Governments have nurs'd and cherisht with the fondest care, as the Darling of their hopes. Now when H.M. victorious armes, under the great Captain of the Age, the Prince and Duke of Marlborough, have restored the Ballance of Europe,

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the great and only aim of all her glorious actions, it is highly probable Trade will be settled on a firmer foundation, and you'll then have an opportunity of fixing her for ever yours. It is then incumbent upon you Gentlemen to give such encouragement as may secure our portion of her smiles, which can only be compassed by establishing your credit. *Continues as No. 632.ii., and concludes* by recommending the support of true religion and virtue and the sacrifice of all private considerations to the publick good. *Endorsed*, Recd. March 14, 1707. 2½ pp.

644. ii. Minutes of Council of Barbados, under Sir B. Granville, Sept. 4, 1706, settling the powers of the President of the Council in his absence, unanimously approved of then and by the Council at two subsequent meetings, after his departure, Sept. 14 and Oct. 1. *Endorsed as preceding*. 3 pp. [C.O. 28, 9. Nos. 93, 93.i., ii.; and (without enclosures) 29, 10. pp. 402-405.]

Dec. 5. Barbadoes. **645.** Col. Sharpe to Mr. Secretary Hedges. Duplicate of preceding letter. *Endorsed*, Recd. March 14, 1707. *Holograph*. 3 pp. [C.O. 28, 38. No. 57.]

Dec. 6. Whitehall. **646.** Wm. Popple to Mr. Attorney General. The Council of Trade and Plantations desire your opinion upon Lord Cornbury's letter [Oct. 3] relating to the granting of letters of administration, and particularly what may be fit for H.M. to do in all the Plantations upon the like occasions. [C.O. 5, 1120. p. 510.]

Dec. 6. Whitehall. **647.** Same to Mr. Burchet. Encloses extract of Lord Cornbury's letter (Oct. 3), relating to Capt. Miles, to be laid before the Lord High Admiral's Council. [C.O. 5, 1120. p. 511.]

Dec. 6. Whitehall. **648.** Council of Trade and Plantations to the Navy Board. *Propose* a conference as directed Nov. 30. [C.O. 5, 912. pp. 208, 209.]

Dec. 6. **649.** Mr. Duport to the Queen. Prays that Col. Michael Lambert may be confirmed in his appointment as Lt. Gov. of St. Kitts. *Signed*, F. Duport. *Endorsed*, Recd. Read Dec. 9, 1706. ½ p. [C.O. 152, 6. No. 68; and 153, 9. p. 421.]

Dec. 18. **650.** Col. Romer to the Council of Trade and Plantations. Prisoner at St. Malo, he describes his capture in a mast-ship by two French frigates. He threw his drawings and papers overboard, etc. *Signed*, Wolfgang Wilhelm Römer. *Endorsed*, Recd. Jan. 1, Read Feb. 28, 1707. *Addressed*. 3 pp. [C.O. 5, 864. No. 162.]

Dec. 7. Bristol. **651.** J. Templeman to the Council of Trade and Plantations. *Encloses following*, having been Admiral at St. Johns

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last year. *Praises* Major Lloyd, his discipline of his soldiers and protection of the inhabitants, etc. *Signed*, Jno. Templeman. *Endorsed*, Recd. Dec. 11, 170 $\frac{6}{7}$. Read Jan. 20, 170 $\frac{6}{7}$. *Addressed*. 1 p. *Enclosed*,

651. i. Lists of the Planters' stages, boats, men, train-fats, blubber-casks and fishing ships at St. Johns and Quidi-Vidi, 1706. 3 pp. [C.O. 194, 4. Nos. 10, 10.i.; and 195, 4. pp. 331-335.]

Dec. 8. **652.** The Queen to Governor Seymour. Permit for the
Kensington. *Coleman* and the *Benjamin* not to be stopt in the West Indies for convoy. *Countersigned*, Sunderland. [C.O. 5, 210. p. 3.]

Dec. 9. **653.** Governor Parke to the Council of Trade and Planta-
St. tions. *Acknowledges* letter of Sep. 26. You tell me you expect
Christophers. that I follow all my Instructions, which is impossible, but as near as I can, I will. One is, that I shall not swear any of ye Councill when there are seaven on the place; there are nine at Nevis, and yett for want of a Councill there can be nothing done, for five of them have been sick for this month, and one is gone for England. Then I am to send home a list of six of the ablest of the inhabitants, for you to choose out of them Councillors, I must own I am att a loss how to find out which are the ablest of the inhabitants for you to choose out of them Councillors. If you had ordered me to send you ye names of all the inhabitants, I cou'd easily have done that, when I can doe the other I will. I found abundance of strange people crowded into the Commissions of the Peace. I have turn'd none out, I huddled them all together again as I found them. Capt. Poggson that kill'd Col. Johnson, he is one of the Councill, and every one of his Jury are Justices of the Peace, the Foreman was Lieut. Governour of this Island, had not my Instructions tyed me up to ye contrary, I would have turn'd out all the twelve Justices, and Mr. Poggson too. Had Poggson been brought in guilty of the murder, as he ought to have been, I should have certainly suspended him; but as it is I shall follow your orders; I think Col. Codrington deserves to be suspended, but I shall not suspend him neither, except a Jury brings him in guilty of treason or murder. There was one Capt. Kitt and Capt. Stodder, when the enemy were on shore on this Island, march'd off from the rest, and whilst ye French plunder'd on one side the Island, they plunder'd on the other; they were tryed by a Court Marshall and brought off; I have turn'd them out from being Captains. I think my Instructions leave me at liberty to turn out a Militia Captain without sending my reasons home; these are the onely two I have turn'd out, and I send the reason. Before I came from Antigua, a gentleman on a very slight occasion drew his pistoll, and shot a poor man dead; I was affraid I must have been obliged to suspend him, but upon tryall, tho' there wanted noe proof, yet a consciencious Jury brought him in not guilty. A Hangman, I find, is like to have but little buisness in these Islands. Your Lordships expects I send you home the particulars how Nevis

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came to be so cowardly lost, truly I went about enquireing but at last I found the depositions would have made a vollume, soe I gave it over, for every one accused the other, in short every one run away, all the mischief that was done, was one Major Child kill'd and Col. Smith wounded, and as I am informed it was by randome shott, for nobody expected musketts wou'd have carryed soe farr. A parcell of drunken saylors gott to a fort and fired some gunns at the towne, when the French were in it; which a Major had the reputation of tho' the sailors said there was never a gunn fired till above an hour after the Major left them; whilst he stay'd they did nothing but drink, and when the drink was all out, they began to fire, this is all the firing, I heard, there was on our side. *etc. Repeats parts of following letter.* After they were landed 'twas to no purpose to oppose them, for they were above ten to one, God help them, I pittty them, I have been five times with them, and got the pestilential feavour there and had a narrow escape the last time I went in an open boat, for I have never a man of war. The *Swan* I sent 9 week since to see the fleet off at sea, and she is not yet returned; the *Greyhound* and *Sherness* came disabled from Jamaica and are not yet fitted. The pestilence is so great at Nevis, that half of the people are dead or dying. I carryed 100 soldiers from the other Island, besides those that were there; the officers are all dead, and the soldiers that are not dead are sick, not able to doe duty. I ordered an officer to goe from hence to command there, he told me he would quitt his Commission rather than goe. I sent for Capt. Moore from Montserrat, and before he had been there three days he fell sick of the fever, and is like to dye. The French sent to demand the 1,400 negroes, Nov. 23. One Monsr. Laland brought me a letter from Monsr. Machault, the French Generall at Martinico. I sent back an answer; I gave him the best reason I cou'd for it's not being due, but at last lett him know the capitulation was sent home to England, and that I should be govern'd by the orders I received from thence. Monsr. Laland was desirous to speak with me, which I refused because the French Generall had refused to see the gent. I sent in the last Flagg of Truce. In returning to Martinique a Dutch Caper took them, 'tis well for us they have at present noe man of war to protect their sloopes, otherwise we might expect them and we are not in a condition to receive them. We have not above three great gunns which I have gott without putting the Queen to any charge; there was hardly any powder till I brought 15 barrells from Antigua. There are not 100 good small arms in these two Islands, not one in tenn that the soldiers have that are fitt for service; and near one third of the soldiers without any, and for swords the Planters never have any, and except the officers, there is not tenn in the whole ten Companies. I desired the people of Nevis to throw up a line about the town, that they might have some place to retreat too, that they might be defended, I promised to lay it out and see it don, but they refused, tho' it would have cost them nothing but the labour of their negroes, and they

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have still above 2,000 left. Col. Johnson, who understood nothing of the matter; poor man, he cou'd neither write nor read, therefore, 'twas not likely he could understand fortification, he put them to soe much charge in building of a little fort and platformes that were of noe use to him, that I cant gett them now to do anything; there is here a trench, as they called it, that is, a straight ditch, and the ditch on the wrong side; one wou'd think soe many officers that was here should know better. The People of St. Kitts doe everything I desire for their defence; I have made them a regular line from the sea to Brimstone Hill, there is a narrow Pass between that hill and the mountain, where this week I designe to begin a little Fort, there are three Passes more, by nature soe strong as a little labour will make them too strong for any American force to hurt; the People are soe pleased that they begin to think themselves out of danger allready. I am from Monday morning to Satterday night at the trenches, I have my dinner brought me in the feild, I have and doe take more paines for them than ever I took for myself, when I have finished, if I can gett gunns and stores, I shall think this Island very secure. The privateers used to plague us by takeing off our negroes in the night, I have settled little guards all round the Island, and have ordered rounds to goe as regular as in a frontier town, and to encourage it I goe sometimes all night myself, and make the Lieut. Governor doe the same, since this has been done, we have not lost one negroe, they are soe pleased with it now, that there is an emulation amongst themselves, who shall doe their duty best. *P.S.*—I am rebuilding the fort on Brimstone Hill, which was blown up by the magazines takeing fire by lightning. I have just now an account of Sir John Jennings being at Montserrat. Three of his ships are in sight, coming to this Island. I shall stop the packetts a few hours for them. *Signed*, Daniel Parke. Recd. 7th, Read 10th Feb., 1706⁶. 6 pp. [*C.O.* 152, 6. No. 75; and 153, 9. pp. 449–457.]

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St.
Christophers.

654. Governor Parke to Mr. Secretary Hedges. *Acknowledges* letter of Sept. 26. I shall order another day of Thanksgiving. In reply, *quotes* letter of July 15. A ship would have brought me time enough cou'd I have gott one, for tho' they were ten to one when landed, and the best Genll. in the world could not have saved the Island then; yet 50 men might have prevented their landing, had they had the resolution to have opposed them; there are but two places at Nevis on the Leeward side to land on, the town and the place where they landed; the town had a great number of gunns planted all along the shore, tho' but indifferently disposed; at the place where they landed there are such rocks and sholes, soe far off the shore that they cou'd not land under the cover of the gunns from their ships, and cou'd send but one boat at a time, so that had there been but 50 men there, they might have killed every boat's crew as they came; but nobody had resolution enough to look them in the face, the Lieut. Governour was not there, and nobody wou'd

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command, there was but one man kill'd and one wounded, and that, as they tell me, by randome shotts, a parcell of madd sailors that got in an open fort drunk fired upon the French, when they were got into the Town, and that was all the firing on our side. *Repeats part of Oct. 31.* I found everyone accused the other, soe that I thought it for ye service to endeavour to make all freinds, and desired them to doe their duty for the future. I order'd guards and rounds, but I could not bring them to it. I desired them to send their negroes to remove some gunns the French had not broke, to protect their Harbour, but to noe purpose, they expect the Queen should do everything, and they not endeavour to help themselves. Severall that had grants from Col. Codrington for French lands in this Island, which are now expired, desire[s] me to renew them, and others desire other French lands, but as I have received your orders to doe all I can to resettle Nevis, I have refused them all, for shou'd I lett them have French lands, Nevis wou'd be deserted. I have examined the arms, and find hardly any fitt for service, there are not six swords in this Regiment, except what the officers have, severall have deserted to the French for want of provision, and this Island has it not, I hope things in time will mend. *Repeats part of preceding. Signed, Daniel Parke. 4 pp. [C.O. 239, 1. No. 17.]*

Dec. 9. **655.** Navy Board to the Council of Trade and Plantations. Navy Office. *Reply* to letter of 6th inst. *Criticise* Mr. Bridger's proposals (*cf.* Dec. 20). If stores cannot be imported from the Plantations, not only as good, but also as cheap from other countrys, premiums etc. included, it will be a burthen to the Navy, and not a service. The importation of stores by commission hath been never used upon choice and always found very chargeable. The Navy even in time of warr does not expend $\frac{1}{4}$ of the tarr in a year he mentions, supposing him to mean but 40,000 barrells instead of 400,000 as he has exprest, so that 3 parts of his supposed savings are lost in that very article. As to his calculations of the charge of that commodity it appears plainly to us to be more in the first cost and freight only than it has been, and, in our opinion, will be bought for, without the risque of ye seas and enemys, the charge of customs, commission and other contingencies, and without advancing money for the same, which he has taken no notice of *etc.* Besides, were it for the service of ye Navy to go to market by commission for such goods, this gentleman has not recommended himself to such a trust by his behaviour in his former employments. *Signed, Tho. Littleton, Ri. Haddock, Daniel Furcer, B. Tymewell, Geo. Tollet, Cha. Sergison, D. Lyddell, W. Lee. Endorsed, Reed. Read Dec. 10, 1706. 4 pp. [C.O. 5, 864. No. 82; and 5, 912. pp. 216-222.]*

[Dec. 10.] **656.** Sir C. Hobby to the Council of Trade and Plantations. Prays for copies of any charges made against him by Governor Dudley. *Signed, Charles Hobby. Endorsed, Reed. Read Dec. 10, 1706. 1 p. [C.O. 5, 864. No. 81.]*

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Admiralty
Office.

657. Mr. Burchett to W. Popple. Reply to Dec. 6. The complaint against Capt. Miles will be strictly enquired into when the ship comes to England. I have writ to him not to be guilty of such irregularities for the future, and let him know that both the *Tryton's* prize and *Lowestoft* being put under the immediate directions of the Governor, he ought to have obeyed his commands, etc. Signed, J. Burchett. Endorsed, Recd. Read Dec. 11, 1706. 1 p. *Enclosed*,

657. i. Same to Capt. Miles. Above letter and this enclosure set out, *N.Y. Docs. IV. pp. 1188, 1189. [C.O. 5, 1049. Nos. 20, 20.i.; and 5, 1120. pp. 512-514.]*

Dec. 10.
Whitehall.

658. Circular letter from the Earl of Sunderland to the Governors of Plantations. H.M. has appointed me her Secretary of State in the Southern Province. I desire that you will transmitt to me from time to time an account of everything material that occurs in your parts, especially whatever may relate to H.M. service and the benefit of the Government under your care, that I may give H.M. due information, and lett you know Her pleasure thereupon. I shall be very ready to do you any good offices that my station may qualify me for. Signed, Sunderland. [*C.O. 5, 210. pp. 1, 2.*]

Dec. 10.
Whitehall.

659. Same to Mr. Pen, the Governor and Company of Rhode Island, Governor and Company of Connecticut, Lords Proprietors of Carolina and Bahama Islands. *Same* as preceding, omitting last sentence. [*C.O. 5, 210. p. 2.*]

Dec. 11.
Whitehall.

660. Council of Trade and Plantations to the Queen. Upon petition, Dec. 2, represent that Governor Parke has already appointed Col. Hamilton and Col. Lambert. Tho' it was not strictly agreeable to his Instructions that he should remove any Lt. Governors from one Government to another, yet forasmuch as this was done at the desire of the inhabitants of both Nevis and St. Kitts and under their greatest exigencies, we conceive that it will be for your Majesty's service that this change be approved. We humbly offer that Col. Smith (*see* Dec. 2), is very deserving of your Majesty's favour, and may be recommended to Col. Parke for supplying the first vacancy of Lt. Governor that may happen in any of those Islands. [*C.O. 153, 9. pp. 422-424.*]

Dec. 13.
Whitehall.

661. Council of Trade and Plantations to the President and Council of Barbadoes. Since our letter of Nov. 12 (*duplicate enclosed*), wee have received none from you. *Enclose* Orders in Council, June 26, confirming some Acts of Barbadoes, and repealing others. *Quote* reasons for repeal given June 7. We have of late received severall letters from the Plantations, inclosed in covers directed to the respective Agents, by which method we have many times been delayed in the receipt of our letters, to the hindrance of business, which required a quick dispatch, and that many other letters not relating to our Board have been

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inclosed in those packets, whereby we are charged with the postage of letters not appertaining to us. We therefore desire for the future the letters addressed to our Board be sent in packets by themselves, and not intermix'd with others, in which we have no concern, and that all Acts, Minutes of Councill, Journals of Assembly and other publick papers and letters whatsoever be directly addressed to us, that so they may immediatly be delivered to us from the Generall Post House separate and apart from all other private letters and dispatches. [C.O. 29, 10. pp. 361-365.]

Dec. 13. **662.** Council of Trade and Plantations to Governor
Whitehall. Handasyd. Since our letter to you of Nov. 12, duplicate enclosed, we have received none from you. We inclose H.M. Order in Council of Nov. 14, repealing the Act for subsisting H.M. soldiers etc. *Reasons given.* See July 15 and Nov. 14. *Repeat Instruction concerning correspondence as in preceding.* [C.O. 138, 12. pp. 42-45.]

Dec. 13. **663.** Council of Trade and Plantations to Governor Parke.
Whitehall. Since our letter to you of Nov. 12, duplicate whereof goes by this packet, we have received two from you dated Sep. 22 and Oct. 7, but that letter you mention to have sent touching Col. Johnson's death is not come to hand. But we having received a letter from that Gentleman dated at Antego Jan. 29, giving us an account that the Deputy Provost Marshall of that Island had misbehaved himself, and that Col. Johnson had suspended [him] for the same, and we having thereupon discoursed with Mr. John Perry, Provost Marshal of the Leeward Island, he promised us to write to the said Deputy that he should make his submission to the Governor, and that if he refused to do the same he would nominate another in his place; we desire therefore that when his said Deputy shall have made his submission to you, you take off the said suspension and restore him to his place. *Enclose* two Orders of Council, May 2, confirming and repealing Acts of Nevis, and a copy of Mr. Attorney General's Report on the Act passed at Nevis Feb. 23, 1704, *for the establishing of Courts etc.*, that you may move the Assembly there to pass a new Act according to the alterations and amendments as proposed by Mr. Attorney General, which when returned hither so altered we will lay the same before H.M. We take this opportunity to remind you that you cause the old seal of the Leeward Islands to be broken before you in Council, pursuant to our letter to you of Aug. 10, and that you transmit the said seal so broken to us etc. As to the want of arms, we desire that in your next you may send us a particular specification of what great gunns and other stores of war are wanting, and for what uses, as likewise what small arms are necessary for the defence of the Islands, which we shall accordingly endeavour to procure. *Repeat Instruction as to sending public despatches separate from private correspondence, as in preceding.* *Refer to Representation Dec. 11.* *Conclude* :—You have no authority to remove

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any Officer commissioned by H.M. from one place to another. This we doubt not will be a direction to you for the future. [C.O. 153, 9. pp. 424-429.]

Dec. 13. **664.** Council of Trade and Plantations to the Navy Board.
Whitehall. Propose a conference on Wednesday. (See Dec. 6 etc.) [C.O. 5, 912. pp. 222, 223.]

[Dec. 13.] **665.** Mr. Foulerton to the Council of Trade and Plantations. *Prays*, on behalf of A. Skene, that they will either report that he has been fairly tried and acquitted, or if they doubt the legality of the trial, order such enquiry, and report of it to be sent them by the Government of Barbados, as shall seem meet. *Endorsed*, Recd. Dec. 13, 1706. 1 p. [C.O. 28, 9. No. 82; and 29, 10. pp. 366-370.]

Dec. 14. **666.** Governor Lord Cornbury to the Council of Trade and
New York. Plantations. Capt. Miles (see Oct. 3, etc.) died on Oct. 20 after 4 days illness, his Lieutenant, one Mr. Wilcox, came and acquainted me with it. I ordered him to goe immediatly on board the *Triton's* prise, and take care of the ship, and all things relating to it, till H.R.H. pleasure should be knowne, and I told him I would write into England to Mr. Burchett, etc., which I did immediatly, by a sloop which was going from this Port to Jamaica. Mr. Wilcocks did not goe on board immediatly as I had ordered him, and in the meantime Capt. Fane sends his own Lieutenant, one Davis, to take possession of the *Triton's* prise, and grants him a Commission to command that ship, reciting an authority from H.R.H. for soe doing, of which I send your Lordships a copy, upon this I sent for Capt. Fane, and asked him by what authority he pretended to grant Commissions here, and particularly I asked him if he had any perticular order, power or instruction from the Prince to doe it, he told me he had, I asked him to see them, then he told me indeed he had noe perticular Instruction to that purpose, but that Capt. Miles had brought an order from the Prince, directing him, the said Capt. Miles, to follow such orders as he should receive from him, the said Capt. Fane, and that by virtue of that order he would dispose of the command of that ship. I told him that unlesse he could shew me a power from H.R.H. to impower him to grant Commissions, the command of that ship should goe according to the Queen's Instructions to me, and H.R.H. printed orders; Capt. Fane was very uneasy, but did not say much then, the next morning I was obliged to go to Amboy to meet the Assembly of New Jersey, at my return I found that Capt. Fane had put his Lieutenant in possession of the *Triton's* prise, and had confined Wilcocks on board. Being informed that Wilcocks was confined, I sent a written order for him to appear before me. This order was delivered to him by one Huddleston. *Refers to enclosures.* By Mrs. Wilcocks's deposition, you will see that Davis took my order from Wilcocks, and presently afterwards forced him away from the *Triton's* prise, and sent him on board of the

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Lowestaffe. The next morning I was informed of this violence and sent for Capt. Fane to come to me, that I might know the meaning of that proceeding, but he was gone from his lodgings, and was got on board the *Lowestaffe*, where he has remained ever since. The *Lowestaffe* lay ready to sail for Barbados to convoy some vessells that lay ready to sail for that Port, upon this I sent an order to Capt. Fane in writing to send Lieut. Wilcocks on shore to me, this order he refused to obey. The next day I sent him another positive order to send Lieut. Wilcocks on shore, this order he likewise refused to obey. The next day Capt. Fane sailed to the watering place and carried Wilcocks with him, and I could find noe way to compel him to obey orders, but firing upon the Queen's ship, which I did not think proper to doe, though it is certain I could have sunck the ship, for I have from the Fort and the batterys of the towne 38 guns that bear upon one point at the same time, soe that indeed noe ship can go out or come into the harbour but must be tore to pieces, however, I thought it more proper to forbear that, and to acquaint your Lordships with this matter, and intreat you as I doe, that I may have some Instructions how to behave myself with respect to the Commanders of the Queen's ships, some of which think themselves under noe manner of controul, but believe they may doe what they please. When first I came to this Province, Capt. Caldwell had his station here, who then commanded H.M.S. *Advice*, that gentleman by his good behaviour here had the good word of every body in the place. Capt. Stapleton, who commanded H.M.S. *Jersey*, had the same good luck, and if he had lived, I don't question but all things would have been easy. Capt. Fane at his first coming to this place behaved himself very well, and I may say with truth that he has received more civillity in this place than any Captain that ever came into this place, both from myself and from the merchants here, but now within these 3 or 4 months, he has acted as if he had a mind to fall out with everybody, as soon as I had left this City to goe into New Jersey, he took away all the carpenters that were at work on board of a privatier which some of our merchants had fitted out last year and were fitting out again this year, under pretence that he wanted some work to be done on board the *Lowestaffe*, now upon all other occasions he used to aply to me for carpenters, and I always took care he had as many as he wanted, without hindring the merchants' business. But in this case I believe the design he had of over-setting the voyage that ship was intended for, was the reason he did not aply to me before I went, that he had such a design appears pretty plain, for upon the application the merchants made to me, I granted them a protection for some men they had occasion for, to work on board their ship, and who would not venture without it. Some of Capt. Fane's Officers met one of those men on an outward bound sloop and pressed him, and carried him on board the *Lowestaffe*, notwithstanding the fellow shewed them my protection, at my return the merchants complained to me of this violence. I immediatly sent an order

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to Capt. Fane to discharge that man, but he, instead of that, put him in irons, and soe kept him till the day which he saild, and then sent him on shore, however, this has soe frightned the rest of them, that I believe the merchants will not be able to send their ship out this winter, which will be a very considerable losse to them, this gentleman has likewise pressed some country people who were going out a fishing, soe that at last people were afraid of coming to market, either from New Jersey or Long Island (from whence they must come in boats) for feare of being pressed. Unlesse I may have some directions from H.R.H. my Lord High Admiral, how to proceed in the like cases, noe man can be safe in his house, for a Captain of a man-of-warr may in the night time, take any merchant here out of his house, put him into his boat, and carry him on board his ship, and keep on board himself, till he has a fair wind for sailing, then carry him where he pleases, the Governor may send as many orders as he pleases, the Captain will not obey them, and the Governor has noe way to make his orders be obeyed but firing upon the Queen's ship, which I did not think fit to doe. *Refers to letter of Oct. 3 and his Instructions, and repeats request for directions in the matter.* I only desire to know what I am to doe, and I will take care to observe punctually such directions as I shall receive, and I hope that as I am directed to treat the Captains of H.M. ships of warr civilly, soe they may be obliged to return the same civil behaviour, and that they may not be allowed to say over their cupps, that they don't care a farthing for the Governor, nor the Government, that they will doe what they please, and will presse whom and when they please, these and the like discourses have frequently come from Captain Fane of late; many other things I could say, but am not willing to trouble you too long upon this subject, *etc.* I sent an Order to Davis, who Capt. Fane had appointed to command the *Triton's* prise, to deliver the said ship to Lieut. Wilcocks, to whom by the Prince's printed Instructions the command of her does of right belong, but he refused to obey (*see enclosure*). After that I sent an Order to him to appear before me; this Order he likewise refused to obey. Then I sent a warrant by the Messenger of the Councill to bring him before me, but the Messenger could not meet with him till he went on board the *Triton's* prise. He should [*? showed*] him his warrant, but Davis said he would not submit, but would dye upon the ship, unlesse I would goe myself, or words to that effect, upon this I sent a party of souldiers from the Fort to fetch him, he had said the day before that if I sent souldiers he would give them as warm a reception as ever they had in their lives, but he was better advised, for as soon as the officer went on board and shewed him my Order, he surrender'd himself, and being come to towne, he said if I would hear him he did not doubt but he should satisfie me upon all points, I told him it was his own fault that he was not heard sooner, for that the first time I had sent for him it was on purpose to hear what he had to say for his method of proceeding, however I told him that I should never refuse to

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hear any body and accordingly I did hear him. What he offered was chiefly this, that he accepted of a Commission from Capt. Fane because Capt. Fane told him that he had power from the Prince soe to doe, that after he had taken possession of the ship, he came on shore on purpose to come to me an[d] acquaint me with the whole matter, but that meeting Capt. Fane by the way, he had commanded him on board, and that what he had acted since, he had done it by the advice of Capt. Fane, that he was ignorant of my Instructions from H.M., else he should not have done anything in contradiction to them; he further said that he never asked the Officers of the ship if they would stand by him, as is mentioned in Mr. Wilcocks's affidavit, and indeed the rest of the officers doe say the same, upon this I ordered Mr. Davis to return to the ship, and take the command of her till the Prince's pleasure should be knowne; thus I hope it will plainly appear, that I had noe inclination to put Davis out, to put another in, nor indeed to meddle in that matter at all, till I thought the Queen's Instructions were contradicted; for if I had had a mind to intermeddle, I could easily have granted a Commission to Wilcocks before Capt. Fane could have known of Capt. Miles's death, but I did not think that I was sufficiently impowered to grant Commissions, therefore, when Wilcocks came to me, I gave him only a verball order to take care of the ship, till the Prince's pleasure should be known *etc.* Signed, Cornbury. Endorsed, Reed. 25th, Read 29th April, 1707. Holograph. 5 pp. Enclosed,

- 666. i. Copy of Capt. Fane's Commission to Capt. Richd. Davis to command the *Triton* prize. Signed, G. Fane. 2 pp.
- 666. ii. Deposition of Mrs. Wilcocks, New York. On Dec. 7 she found Lieut. Wilcocks under close confinement in his cabin on board H.M.S. *Triton* prize. Lt. Davis sent for all the other officers and askt them if they would stand by him. They answered, what he said they would swear, upon which he replied, I will break him, meaning Wilcocks. On the 9th, upon receipt of an order from the Governor, Wilcocks was sent on board the *Lowestaffe* *etc.* Signed, Elinor Wilcocks. 2 pp.
- 666. iii. Deposition of J. Huddleston, that he delivered the Governor's Order, referred to in preceding. Signed, Jos. Huddleston. 1 p.
- 666. iv. Deposition of R. Crannel that on Dec. 11 he delivered to Capt. Fane the Governor's order to send Lt. Wilcocks to him. The Captain answered, he knew no business he had there, and it was for faults he had committed on board, and there he would keep him. Signed, Robt. Crannel. 1 p.
- 666. v. Deposition of R. Crannel. On Dec. 10 he delivered a similar order to above to Capt. Fane, who replied that Capt. Davis had confined Wilcocks for faults, and he knew no such man as Lieut. Davis. Signed, Robt. Crannell. 1 p. [*C.O.* 5, 1049. Nos. 30, 30.i.-v.; and (without enclosures) 5, 1121. pp. 26-36.]

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Dec. 14. **667.** Mr. Dummer to Mr. Popple. Gives sailings of the Antego packet-boat. Out and home, 123 days. Admirall Whetstone sailed eight days before she came to Jamaica (Oct. 15), and 2 days before she left (Oct. 28) ye *Assistance* brought in a French privateer of 24 guns from the Havannah to Port Lewis, laden with provisions, on which was the Rere-Admirall of the Spanish galleons. *Signed*, E. Dummer. *Endorsed*, Recd. Read Dec. 17, 1706. *Addressed*. 1 p. [C.O. 323, 6. No. 23.]

Dec. 16. **668.** Council of Trade and Plantations to the Board of Ordnance. *Request* an account of the stores of war sent to the Leeward Islands within 6 months past or now sending. [C.O. 153, 9. pp. 429, 430.]

Dec. 17. **669.** Board of Ordnance to the Council of Trade and Plantations. In reply to preceding, enclose following. *Signed*, C. Musgrave, Ja. Lowther, Ja. Craggs. *Endorsed*, Recd. Read Dec. 19, 1706. *Addressed*. *Sealed*. 1 p. *Enclosed*,

669. i. Account of Ordnance and other Stores sent to the Leeward Islands within the last 6 months. Includes 20 cannon each for Nevis and St. Christophers, with ammunition. 2½ pp. [C.O. 152, 6. Nos. 74, 74.i.; and 153, 9. pp. 433-436.]

Dec. 19. **670.** Council of Trade and Plantations to Governor Parke. We acquaint you with the success of our solicitations for stores of war, as you will perceive by enclosed account. [See Dec. 17.] [C.O. 153, 9. p. 437.]

Dec. 19. **671.** C. Ardesoif to the Council of Trade and Plantations. American tar is well suited for making his composition for protecting ships' bottoms against worm *etc.* *Signed*, Charles Ardesoif. *Endorsed*, Recd. Read Dec. 20, 1706. *French*. 2 pp. *Enclosed*,

671. i. Printed list of ships which have made successful use of M. Ardesoif's composition, 1699-1706. 1 p. [C.O. 5, 864. Nos. 83, 84.]

Dec. 20. **672.** Council of Trade and Plantations to the Earl of Sunderland. *Enclose* following to be laid before H.M.

672. i. Council of Trade and Plantations to the Queen. *Quote* Representation of April 26, 1706, relating to convoys for Virginia and Maryland. *Conclude*: "For which opinion for a stated convoy we are the more at this time confirmed by reason of the great losses the merchants and planters, as also your Majesty's revenue of the Customs have sustained, by the Fleet's coming away from thence so late this year." [C.O. 5, 1362. pp. 87-90.]

Dec. 20. **673.** Council of Trade and Plantations to the Lord High Treasurer. In obedience to your Lordship's directions Nov. 30,

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we have conferred with the Commissioners of H.M. Navy. The said Commissioners are obliged by their Instructions to purchase where ever they find pitch and tar cheapest, without enquiring from what country such stores are brought, and upon that account they have commonly preferr'd the pitch and tar of Sweden to that of America. For the ensuing year they had contracted for, and were provided with, those commodities. They agree with us in opinion that the produce of those stores from America would be a very great means of lessening their price in general ; that it will be a great advantage to the Nation to procure the produce of those goods from H.M. Dominions, and that the building ships in America for the transport of those stores, will be an additional benefit to the Navigation of England. They inform us that they did the last year contract for a quantity of tar from New England, of which they daily expect the arrival, and that upon trial of a former quantity of that commodity from the said Province, they found it to be good and serviceable : and they promise to do all that in them lyes to encourage this beneficial undertaking. And whereas Naval Stores imported from America, upon which the premium is allowed, are required to be good and merchantable, they concur with us in opinion that the reasons for allowing such premiums upon the pitch and tar now imported be signified to the Commissioners of H.M. Customes, that they may make as little exception and scruple as possible in that behalf. Upon which consideration we humbly offer to your Lordship that it may be recommended to the Commissioners of the Customes to put so favourable a construction upon those words "good and merchantable" in the Act of Parliament, that tho the pitch and tar now imported from New England should in some measure fall short of the best Swedish, yet if serviceable and usefull, the importers may not be excluded from the benefit of the proposed reward, least such a discouragement put upon a beginning Trade, become an obstruction to all future improvements. For we doubt not but that within short time, if the premium be not interrupted, there will be Naval Stores of all sorts imported hither, not only from New England, but from Carolina and other H.M. Plantations on the Continent, sufficient in quantity to furnish the whole Navigation of England, and of such quality as shal equalize in goodness the best that are brought over hither from Sweden or Norway. As to Mr. Bridger's particular case, they are of opinion that considering he is to travel such large tracts of land, and will be obliged to have clerks, horses and other necessaries, he may deserve an increase of salary. But as to the management of that trade by commission, as proposed by the said Bridger, they think it will not be for H.M. service at this time. By letters received from America, we understand that since the inhabitants of New England have applyed themselves to the produce of Naval Stores, the woollen manufacture, which was erected there, is greatly interrupted and will in all probability be wholly left off. [C.O. 5, 912. pp. 223-227.]

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- Dec. 20. **674.** W. Popple to W. Lowndes. Since my last of Dec. 4, the Council of Trade and Plantations have received an Act of Maryland to the like purpose. They send you a copy, and desire you to move my Lord High Treasurer that they may have the opinion of the Commissioners of H.M. Customs thereupon. [*C.O.* 5, 726. p. 398.]
- Dec. 23. **675.** [*Col. Parke's*] account of stores of war received from St. Sir J. Jennings' squadron. 1 large p. [*C.O.* 239, 1. No. 18.]
Christophers.
- Dec. 25. **676.** Petty Expenses of the Board of Trade, Sept. 30—Dec. 25, 14*l.* 10*s.* 8*d.* Stationer's Account, 16*l.* 17*s.* Postage, (including New Year's gift) 34*l.* 1*s.* 0*d.* 4 pp. [*C.O.* 388, 76. Nos. 12, 14.]
- Dec. 26. **677.** Council of Trade and Plantations to the Commissioners of H.M. Navy. Enquire when it will be convenient for them to confer at the Board of Trade upon Naval Stores, as desired by the Lord Treasurer Nov. 30. [*C.O.* 5, 912. pp. 208, 209.]
Whitehall.
- Dec. 27. **678.** Governor Handasyd to the Council of Trade and Plantations. I am honoured with your Lorps.' of Sept. 26, and am to return your Lorps. my hearty thanks for your care of our Address, and the notice you have been pleased to take of our homeward bound fleet, and also of Glover's letter. As to your Instructions to me, that I should prevail with the Assembly to quarter the soldiers, they will neither do that, nor give them any subsistence at all, both officers and soldiers having had no other allowance for these two months past than what we make a shift for among ourselves. Most of the Assembly being Creolians, born in this country, cannot bear English Government, but are still contriving to entrench on H.M. prerogative, as your Lorps. will see by their messages to me in the Minutes of the Council of Dec. 23 and 24, and my answers thereto. They would adjourn themselves for a time without leave from me, which is what has never been practiced before, nor any president known for in these parts, and leave the Queen's business till the last, with a design to make such tacks as I am afraid I never could have comply'd with : I must confess I have very little dependence on the majority of the Council any more than them, having lately lost two of the Gentlemen of the Council, Col. John Walters and Col. Charles Knight, who were men of solid sense, and faithfull servants to the Queen. *Recommends* Mr. Ayscough and Mr. John Stewart in their stead. They are both men of good sense and substance, and I am very well assured, are loyall subjects to H.M. I hope after the Holy-days, when these Gentlemen meet again, they may be in better temper ; the chief fomentors of all this work are Col. Beckford and his two sons, whom he has got into the House ; they have been both tried for murder, and, I am of opinion, were both guilty, tho the Jury would not find it so. The most part of our Senate being composed of men of the like principles, I am of opinion, never any Country had such

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Representatives, but a little time may produce much, and no pains shall be wanting in me to make every thing easy at the same time having a regard to H.M. royall prerogative, which never must be lost but with my life. We have advice by this packett that Sir John Jennings is come into the West Indies with a squadron of men of war, but have yet no further account of them. Our squadron here under Commadore Kerr has been attended with great mortality, having lost at least betwixt 400 and 500 men. H.M.S. *Swan*, belonging to Barbadoes, has been mightily disabled by a French man of warr she met with off Martineco, which has obliged her to come down here, where she is refitting with all speed. The Island has been very sickly, and H.M. Regiment here under my command has had a share of the mortality, and if my Regiment and I are to stay here, I must desire your Lorps. assistance to the recruiting it, for fear any attempt should be made against us by the Enemy: I shall want 300 men to compleat my Regiment according to the last establishment, and have sent over my son and some other officers to wait on H.R.H. and his Grace the Duke of Marlborough on that purpose. The Spanish trade here goes on very indifferently for want of the English woolen manufacture. Here has been a siezure made of a ^{sloop} brigantine for having on board contraband goods, as iron, saddles etc., but I think she is of little value, she has not been tried yet, etc. *Encloses* Minutes of Council and Assembly. *Signed*, Tho. Handasyd. *Endorsed*, Recd. 8th, Read 17th Feb., 1704. 3 pp. [C.O. 137, 7. No. 36; and 138, 12. pp. 59-63.]

Dec. 28. **679.** Permits for the *Josiah*, *Thomas*, *Goodwin* and
Kensington. *Northampton* to proceed without convoy in the West Indies
as Dec. 8. [C.O. 5, 210. pp. 4, 5.]

Dec. 30. **680.** Lt. Governor Bennett to Mr. Secretary Hedges. *Repeats*
Bermuda. *much* of Nov. 16. *Signed*, Ben. Bennett. *Holograph*. 3½ pp.
Enclosed,

680. i.-xv. Duplicates of Nos. 606.i., iv.-xvii. [C.O. 37, 28.
Nos. 2, 2.i.-xv.]

[1706.] **681.** Godfrey Dellius, Minister of the Reformed Church
at Halteren in Brabant, to the Queen. Prays for payment of
arrears due to him viz., one year's salary of 60*l.* as Minister at
Albany, 1698, and 50*l.* promised to him by Lord Bellomont for
going as Commissioner with Col. Peter Schuyler to notify the
Governor of Canada of the Peace etc. *Signed*, G. Dellius. 1 p.
[C.O. 5, 1084. No. 33.]

[1706?] **682.** A short account how the Government of Barbados
becomes arbitrary. *Repeats* charges against Sir B. Granville. (*See*
C.S.P. 1704, No. 431 etc.) *Proposes* that no Member of Council
be suspended by a Governor till his case has been heard by H.M.
in Council; that no Judges, Justices or Field Officers be ap-
pointed, but by the Governor and ⅔ths of the Council; that H.M.

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send over two able, qualified Judges; and that appeals to H.M. be granted more largely, viz. for sums over 50*l.* if applied for in 60 days. 2½ *large pp.* [C.O. 28, 43. No. 10.]

[1706.]

683. Certificate by Wm. Sharpe, President of Barbados, approving the following.

683. i. List of Interrogatories to be put in the case of prizes in the Admiralty Court of Barbados. [C.O. 319, 1. pp. 26-32.]

[1706.]

684. Petition of Merchants trading to the Plantations to the House of Commons. During the late intervall of Peace many thousand hhds. of Virginia and Maryland tobacco were yearly bought in England by the French Merchants and exported directly for France. Since the war, forreigne Nations have chiefly engrossed that trade by supplying the French with part Virginia and part European Tobacco, to the aparent damage of H.M. Plantations, and the great advantage and increase of ye European Plantations. To remedy which Petitioners desire that a clause may be inserted in some Act of Parliament giving free liberty to all H.M. subjects that have commission from Forreigners being in amity with H.M., to export in Dutch or neutrall ships directly for France any commodity of the growth or production of the English Plantations in America, except masts, pitch, and tarr of the growth and product of America, and all counterband goods, without being hindered or molested by any of H.M. Custom-house Officers, ships of warr or privateers. *Signed, Micajah Perry, and 26 others.* 1 p. [C.O. 5, 3. No. 33; and 5, 1341. No. 5.]

[1706.]

685. Merchants trading to Virginia and Maryland to the Queen. *Pray* for the consideration of the Report of April 6th, and for speedy measures to preserve the Virginia and Maryland Tobacco trade, in opposition to the great increase of European Tobacco Plantations. *Signed, Micajah Perry and 17 others.* 1 p. [C.O. 5, 1341. No. 4.]

[1706 ?]

686. Proposals for increasing the tobacco trade with foreign countries. *No date or signature. Cf. preceding.* 1 p. [C.O. 318, 3. No. 32.]

[1706 ?]

687. Juan Corso to H.M. and H.R.H. Proposes to capture the Island of Havanna, if given the men and shipping he requires. *Signed, Jun. Corso.* 1 p. [C.O. 318, 3. No. 34.]

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688. Lists of Councillors recommended for the several Plantations. [C.O. 324, 48. No. 1.]

[1706 ?]

689. Sir Wm. Phippard, M.P., to H.M. Commissioners of Customs. His ship the *William and Mary* has been siezed at Barbados for illegally importing 20 reams of paper from Portugal, on the false evidence of a discharged seaman. *Prays* that she may be discharged.

[1706 ?]

- Jan. 26. H.M. Commissioners of Customs to Commissioners of
London. Customs at Barbados. All proceedings against the *William and Mary* are to cease.
- Feb. 3. Charles Cox to — Cox. Sir W. Phippard desires me to persuade you to release the *William and Mary*. 20 reams of paper is hardly sufft. to justify the severity of the condemnation.
- Feb. 7. Cha. Mompesson to Wm. Sharpe. *As preceding*.
London.
- Feb. 12. Sir W. Phippard to Wm. Sharpe. *As preceding*. [C.O. 319, 1.
London. pp. 124-127.]

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690. Permits to 26 ships bound for Virginia, Maryland and the West Indies not to be embargoed there. [*C.O.* 5, 210. *pp.* 5-11.]

Jan. 1.
Boston.

691. Governor Dudley to the Council of Trade and Plantations. The Act of Parliament for the encouragement of Naval Stores from these Provinces, is what I earnestly laboured for these 20 years last past, both for the benefit of the Crown, as well as keeping up the consumption of the woollen manufactory of England in the Plantations, and I am now in earnest every where to raise a just reputation of H.M. premium granted to the importers, and have prevailed so farr that in ye last Fleet, there came more tarr and turpentine than in some whole years before; and the Assembly have come into an Act for the just care and survey of what is sent home; and I am in great hopes if these returns are well accepted, it will be the staple of this countrey and they will be further perswaded to go upon the raising of hemp for which we have lands eno' proper, but it is altogether new and will demand some time to bring the countrey men into the proper method of it. Your Lordships have very much forwarded the matter in sending so good and industrious an officer as Mr. Bridger *etc.* *Supports his Memorial Jan. 5.*

In the affairs of the masts I have allways kept good guards over the axes and trains in the woods at all times at the Undertakers' request, as well as I shall take the care of Mr. Bridger in his travel that he fall not into the enemies' hands, which is an addition to the charge of these Provinces in the present warr, and would be greivous if it were taken notice of, which as carefully as I can I labour to prevent, lest H.M. service should fail therein. I have at this time about 300 men upon snow shoes looking out for new quarters of the Indians half way between this and Quebeck, having all this warr kept them from their planting ground, and the people are so sensible of the benefit they have by these hard marches, wherein no souldier has more subsistance for 25 days than he carrys out on his back besides his arms, that they are very patient of the service. *Signed, J. Dudley. Endorsed, Recd. 24th, Read 28th July, 1707. 2½ pp. [C.O. 5, 864. No. 187; and 5, 912. pp. 376-378.]*

Jan. 1.
Barbados.

692. Capt. Lilly to the Council of Trade and Plantations. I furnished Sir B. Granville with plans and projects relating to the fortification of Barbados, which have cost me a great deal of labour. I desire you will cause them to be called out of his executor's hands, *etc.* *Refers to his letter to the Board of Ordnance Aug. 15, 1706, for an account of what has been done and what*

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he thinks necessary for the security of the Island, *etc.* *Signed*, Chr. Lilly. *Endorsed*, Recd. 14th, Read 17th March, 1704. *Sealed*. *Postmark*. 1 p. [C.O. 28, 9. No. 95.]

Jan. 1. **693.** Mr. Delafaye to Mr. Popple. Here are some alterations New Year's to be made to ye Instructions for Mr. Crowe, wch. will occasion Day, at ye writing over 2 half sheets anew; My Lord Sunderland desires Noon. you would employ in it ye Clerk in your Office that writ ye Instructions, that ye whole thus amended may be in ye same hand; and his Lordship desires to have it to-night, *etc.* *Signed*, C. Delafaye. *Endorsed*, Recd. Read Jan. 2, 1704. 1 p. *Enclosed*,

693. i. Names of the Councillors of Barbados to be inserted in Governor Crowe's Instructions:—George Lillington, Wm. Sharp(e), Richard Scott, Patrick Mein, Thomas Merrick, Samuel Cox, William Clealand, John Mills, James Colliton, Alexander Walker, Midleton Chamberlain, Thomas Alleyn. $\frac{1}{2}$ p.

693. ii. Additional Instruction. Paragraphs to be added to Governor Crowe's Instructions:—(a) And whereas we have receiv'd from divers of our subjects, who have estates in the said Island, complaints against several of the Members of the said Council for misbehaviour in that station, you shall immediately upon yr. arrivall in the sd. Island, carefully and impartially examine into the grounds of these complaints, and if you find that the said members have given just occasion to such complaints, you shall remove such members from the said Council, and put such others into their room as are not liable to the like exceptions, and are more proper for the promoting of our service and ye good of the Island. (b) At the end of the clause relating to St. Vincents.—You are also to give the like encouragement to the natives of any of our Colonies under your Government, or the countrys thereunto adjoining to quit the enemy's protection and put themselves under ours, and to make it known as far as you can to all those people that are not yet under our Government, that upon application made to the Governours of such our Plantations as lie nearest to them, they shall be receiv'd into our protection and enjoy all Freedom and security under our Government. $1\frac{1}{2}$ pp. [C.O. 28, 9. Nos. 84, 84.i., ii.; and 29, 10. pp. 372–374.]

Jan. 2. **694.** Order of Queen in Council. Approving draft of St. James's. Instructions for Governor Crowe. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Jan. 20, 1704. 1 p. [C.O. 28, 9. No. 87; and 29, 10. pp. 387, 388.]

Jan. 2. **695.** Order of Queen in Council. Upon petition of Thomas St. James's. Hodges, the order of the Governor and Council of Barbadoes

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suspending him from practicing the Law there, is annulled. *Signed and endorsed as preceding.* 1½ pp. [C.O. 28, 9. No. 88; and 29, 10. pp. 388, 389.]

Jan. 2. **696.** Order of Queen in Council. Repealing Act of Barbados for
St. James's. *the continuance of the Assembly. Signed and endorsed as preceding.*
1½ pp. [C.O. 28, 9. No. 89; and 29, 10. pp. 390, 391.]

Jan. 2. **697.** Col. Sharpe to the Council of Trade and Plantations.
By the severall papers herewith transmitted under the Seal of this Island, your Lordships will have all the Proceedings of this Government since the late Governor's departure. As the late heats and animosities had miserably divided and distracted this Island, I have and still do find it a matter of great difficulty to heal those breaches: and the more by reason that some Members of the Council (whose names are mentioned in the depositions and papers hereunto annexed), have been so far from concurring in such measures that they have generally absented themselves from the Council Board ever since the Governour's departure, tho' always summoned; so that I have been very seldom able to hold a Council, tho' they have passed by the Council-House when I have waited for them; and yet they have made a Protest against the Proceedings of this Government, which Protest and an Answer to it is herewith sent. The said absenting Councillors did neither discover any dissatisfaction or absent themselves from the Council until I had expressed my desire, that the greivances of the paper money might be remedied; since which time they have wholly changed their conduct towards me; the benefit of the said Act to Col. Holder being 5*l.* p.c. per annum out of all the said Bills. In the Minutes of Sept. 14, 1706, which was the last sitting of the said Governor in Council, your Lordships have 14 Articles, containing the powers and preheminencies which the said Governor and the whole Council unanimously agreed were necessary to be lodged in the President pursuant to H.M. Commission and Instructions. These Articles were unanimously agreed to by two successive Councils, since the Governor's departure, and on Sept. 14 the oath as President and Commander in Chief of this Island was administered to me by the Council. I have lately had Addresses made to me, one from the Grand Jury, the rest from about 1700 of the principal Inhabitants, praying a dissolution of the Assembly, and a remedy against the paper money (enclosed). I had on my first entrance on the Presidentship recommended that matter with others to the consideration of the Assembly; but finding that nothing to the purpose would be affected by them, sometimes by not making a House, and sometimes by long adjournments, and finding it to be the general desire of the people to have a new Election of Assembly-men, I took the opinion of Mr. Cox and Mr. Walker, Members of Council, who did attend with me in Council, and they concurred with me in opinion, that nothing could conduce more to the good and quiet of this Island than a dissolution of the Assembly. I likewise

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took the opinion of H.M. Council learned in the Law, whether by the late Act of this Island for a Triennial Assembly, I had power without a full Council to dissolve the Assembly, and had their opinions, that by virtue of the said Act I might, which Minutes of Council and opinions are likewise sent; whereupon I did accordingly issue a Proclamation to dissolve the said Assembly, and have since issued writts to call a new one. By the Act for Elections, all the writts are to be publish'd in one day, but Col. Cleland, Col. Colleton and Col. Holder having refused to publish the writts directed to them, have thereby as far as in them lay, made a breach of that Law. The late Court of Grand Sessions was held by Justices, who were put into the Commission of the Peace by the late Governor. By the Report of the Chief Justice of the said Court, and by about 40 depositions, confirming the truth of the said Report, your Lordships will observe with what violence a faction in the said Court carried matters, so far as to assault the Chief Justice on the Bench, and to have brought it almost to a general massacre in the said Court, which at that time might have occasioned a generall one throughout the Island. I have good reason to beleive that the great disturbance raised in the said Court by a party adhering to Col. Holder, was to prevent a Grant Jury from presenting some of the greivances of the Island, and particularly relating to the paper-money, as by the deposition of Col. Merring sent with the rest appears. Your Lordships will likewise thereby see who were the persons principally concerned in it, and will be pleased in due time to give directions concerning them. It appears by the said report and depositions that Col. Holder affirmed it to be as criminall and a parrallel case to question whether he were a legall Member of H.M. Council of this Island, as to question whether H.M. were rightfull or lawfull Queen, and repeated these and the like words with great heat and violence severall times, and by the strength of a party adhering to him in the Court, got it voted that Mr. Hodges, a Barrister at Law, who in pleading for his clyent, had offer'd his reasons to prove that Col. Holder was not a legall Member of the Council, was thereby guilty of a great crime, and ought to be fined, the said Coll. dictating the question in writing, tho' he was no Member of the said Court. Before the fine was sett, Mr. Hodges by petition prayed my Order to stay the proceeding of the said Court against him, till he were heard before me in Council, offering therein to prove that Col. Holder was not legally constituted a Member of the Council, which Order I granted, and that matter still remains undetermined, but is appointed for next Council day. On this occasion all the other Barristers at Law delivered a representation of the said matter to me, setting forth the wrong thereby done to Mr. Hodges, to the profession of the Law, and to all the Queen's subjects in depriving them of the benefit of Council to plead for them; and concluded with their thanks to me for the said Order, as by the representation herewith sent appears. I have likewise sent depositions of the said Barristers *etc.* by which it appears that the said Mr. Hodges in speaking to the said matter

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did behave himself with all due modesty and respect to the said Court. John Sandford and John Dorn Esqs., two of the persons concern'd in the said riot, and assault of the Cheif Justice, and by the said Court committed for the same, have been since bayled by Thomas Alleyne, one of the Judges of this Island, who was in some measure concerned in the same riott and opposing the Cheif Justice, *etc.* *Refers to enclosures.* I had the opinion of the Attorney Generall, and all the other Councill in the Island, that persons committed by a Court of Justice for a contempt to the said Court and breach of the peace, were not bailable, but your Lordships will best judge of this matter. I have appointed the Councill to meet on Tuesday next, and will then communicate H.M. severall Orders to them. On Monday following the Assembly is to be elected, so soon as they can meet, I will also acquaint them with H.M. Orders; and will do all that is possible for me to have them fully obeyed; of which I have no reason to doubt, since those Orders have been received here with the universall joy and satisfaction of the people. I have done nothing without the advice of those Members of H.M. Councill who would attend their duty; I have transacted nothing but what I had the previous opinions of all the Barristers at Law I might do. All my proceedings have given universall joy and satisfaction to H.M. subjects (those very few excepted whose interest was involved with the paper credit), and therefore I humbly presume I shall have the honour of your Lordships' approbation. *Signed, Wm. Sharpe. P.S.—* I find myself so straitned in time by the Pacquet-boat, that I cannot now finish my intended answer to the above-mentioned protestation of Col. Cleland *etc.*, and therefore send an answer some time since writt by a person here, wch. contains some part of what I have to offer in answer. I have since received a protest from them against the dissolveing of the Assembly, which with my answer I intend to send by the next Pacquet. *Endorsed, Recd. 14th, Read 17th March, 1709.*
Enclosed,

697. i. Copy of Presentment of the Grand Jury of Barbados to Samuel Cox, C.J. That the Freeschoole already founded be finished, and care taken of encouraging those who undertake the education of youth. (2) That a mould and harbour for careening shipping be provided. (3) That the streets of Bridge Town be cleaned and paved, and some officer appointed to remove all stinking provisions and other nuisances out of the town. (4) That the Justices for the parish of St. Michael be empowered to remove all tottering buildings *etc.* (5) That the Vestries of the parishes be empowered to lay any additional tax they shall think proper for prepairing the highways. (6) That the respective parishes that use the ways leading to the several towns pay 1*d.* per acre for amending the said ways. (7) That care be taken that H.M. ships may not carry off any person without a legal ticket as the Law directs. (8) That the paper bills be put on a better foot, itt being

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att 40 p.c. exchange worse than silver, and att a much higher rate in barter for all commodities, and yet in all payments forced on the creditors att par. *Signed*, Nicholas Edwards, George Keyzar, Benja. Wright, Henry Carl, Hillary Row, George Leech, John Combes, Alex. Paris, Hugh Howell, Saml. Maynard, Giles Hall, Robert Arnoll, William Godman, Anthony Lane, Thomas Terrill, Lawrence Hide. 3½ pp. *Enclose following addresses.*

697. ii. Address of the Grand Jury to President Wm. Sharpe. The trade is reduced to a very low and miserable condition, and many of the inhabitants have departed. Many others will do the like unless the following discouragements under which they lye may be removed. (1) They are obliged to receive Paper Bills, which carry no interest to the receivers, but an interest of 5 p.c. per annum to the issuer. They are the more grievous by reason they are to charge and affect all persons' estates who do first borrow and take them up, so as to take place from the day the Act was passed before all judgements and other incumbrances since the date of the Act, att what distance of time soever the said bills should be after taken up. By reason of which and because it is not publickly knowne what summes are so borrowed and by whom, noe person can tell whom he may safely credit with goods or money, nor of whom he may safely purchase any estate. *Pray* the Council and Assembly to address H.M. to raise the value of silver, so that a piece of 8 of 12 dwt. may pass for 5s., which will bring coin to the Island.

The great trust and power of makeing what paper money he shall think fitt being lodged in one person without controul seems to be of dangerous consequence, and lessens the credit of the bills, many of which having been issued without dates gives great cause to suspect that the said trust is not managed in such manner as the weight and consequence of it requires. *Demand* a new election of Assembly. The severe duty of guarding the coast as it is now practiced lyes very heavy on the poorer sort of inhabitants. If effectual care were taken that persons who are impowered to issue executions for defaults in the militia should issue them in an equall and impartiall manner without makeing such power subservient to their private interests and passions, it would very much contribute to the quiet and prosperity of this Island. If the power of receiving in the publick taxes were equally and impartially executed, it would very much contribute to the prosperity of this Island, *etc.* After the deplorable heats and animosities which have of late been in this unhappy Island, nothing can so effectually restore us to our former happy and flourishing condition as a general

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reconcilement. *Praise the President. Signed as preceding.* 3½ pp.

697. iii. Address of Grand Jury of Barbados to the Queen. Return thanks for protection lately given by Sir John Jennings, Rear Admirall of the Blue Squadron. Praise the President, Wm. Sharpe. Congratulate H.M. on her victories. *Signed as preceding. Endorsed, Recd.* 14th March. 2 pp.

697. iv. Representation of Wm. Cleland, James Colleton, and John Holder, Members of Council, to Wm. Sharpe, President. Deny the Council's power to give the President a negative voice to laws, etc. The whole Council have the Government and Chief Command, and whatsoever officer they appoint in the Militia cannot be called Commander in Chief of this Island, but may have the chief command of the Militia under the Council. Sir B. Granville himself could not depute this power. When we consented to the Minutes of Councill entered before he left, we were assured that the President would not take upon him to exercise any such power, and that what was then done was intended only as a piece of respect to him, which if we did not agree to wee were told we should all fall to pieces. But seeing the President has executed a power beyond even what is expressed in the aforesaid Minutes, we think it high time to declare our dissent to his executing any such power, and protest against any further executeing H.M. Commission than has hitherto been used by former Presidents, etc. Executing the laws already made seem by the Commission to be more our province than makeing new projects, dissolveing the Assembly, createing a Councellour, removeing of officers and the like. We ought to support the Paper credit, etc., and make good laws for mending highways and the mole, removing nuisances, laying equal taxes and easing the poor etc. Justice should be administered freely, and occasion not given for the suspicion that corruption prevails etc. But as yet we have little hopes of comeing to this good state, being surprised to find by a paper sent to us by the President's order that we're threatened with a suspension in case we're absent this day, and have also been credibly informed that last Tuesday this paper was warmly proposed in the Councill Chamber to be published by beat of drum, but was opposed by two members, there being in all but four present. This we take to be extraordinary proceedings and *coram non judice*, for we adhere to this opinion, that the Government is in the Councill and ye President hath the Chair and is an honble. Member of the Councill, and that therefore any number under 5, which is the majority of the members now upon the Island, cannot make a Councill etc. and without

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wh. number the President hath already refused to act. Such proceedings against us was therefore usurping a power unwarrantable, *etc.* We alwise have and shall be ready to attend the Councill and discharge our duty, unless in cases of sickness, which was the cause of our absence last Tuesday. It savours much of pique and private designe to offer at a suspension upon so slight an occasion, especially it being the first time that one of our members was ever absent, *etc.* Dec. 3, 1706. *Signed, Wm. Cleland, James Colleton, John Holder. Copy. 9 pp.*

697. v. Observations on the above Representation. On Sept. 4, 1706, Governor Sir B. Granville in a full Councill, and by all their consents settled the Government, before his departure, in 14 articles, which have been twice unanimously confirmed in a full Councill Sept. 14 and Oct. 1. On Sept. 14 the President was sworn C. in C., since which he has several times summoned the Council to sit, but could not proceed on any business because a sufficient number did not attend. The first failure was Nov. 14, and again Nov. 26, James Colleton and John Holder refusing to come, pretending they were ill, although they were a great part of that day publickly about the town of St. Michael's, and passed by the place where the President attended for them. On 27th severall of the Councill did again fail of their attendance, so that no Councill could be held, and this when a packet boat from England attended for dispatch. Whereupon the President and Members attending, having credible information that the said Members did absent themselves designedly and were resolved to continue so to do, agreed that the Councill should be adjourned to Dec. 3, 1706, and the absenting Members have notice, and that unless they attended, the President and attending Members would proceed according to H.M. Instructions to swear so many other Members as should enable the Government to act. This notice had so good effect that they attended the next sitting, to the great satisfaction of the President and other Members, who are very sensible they are not to have recourse to extraordinary means for the support of the Government, but where the ordinary fail. On this occasion the above Representation was delivered. *Their contentions are argued, and inconsistencies pointed out. Endorsed, Recd. March 14. 6 pp. [C.O. 28, 9. Nos. 94, 94.i.-v.; and (without enclosures) 29, 10. pp. 406-417; and (duplicates of Nos. iii., v.) 28, 43. Nos. 11, 16, 17.]*

Jan. 2. Barbados. 698. Col. Sharpe to Sir Charles Hedges. *Duplicates of preceding letter and Feb. 9. No. iii. [C.O. 28, 38. Nos. 59, 60, 61.]*

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Jan. 2. **699.** Same to [? the Earl of Sunderland]. *Congratulates*
Barbados. *him upon H.M. favour, and repeats gist of preceding. Signed,*
Wm. Sharpe. 3 pp. [C.O. 28, 38. No. 58.]

Jan. 2. **700.** Depositions of Thomas Affleck, Wm. Grant, and Wm.
Barbados. Gordon that Col. Holder was out and in good health on Nov. 26.
Copies. 2 pp. Enclosures in preceding. [C.O. 28, 43. No. 12.]

Jan. 2. **701.** (a) Deposition of John Merring. John Sandford told
Barbados. him that he thought it but reasonable that there should be 5 or
6 persons on the Grand Jury, such as he should approve of, to
make an equality for disputing the continuance of the Paper
Act *etc.* (b) Deposition of George Church that Josias
Tuckerman, Minister of St. Lucy's Parish, said the President
was a rogue and had no more power than his —, *etc. Copies.*
2 pp. Enclosures in preceding. [C.O. 28, 43. No. 15.]

Jan. 2. **702.** Mr. Hodges to Wm. Popple. Returns thanks for the
Barbados. recommendation of the Board. *Encloses following, to be laid*
before the Board. Signed, Tho. Hodges. Endorsed, Recd. 17th,
Read 19th March, 1706. 1 p. Enclosed,

702. i. Same to the Council of Trade and Plantations. On
Dec. 13, 1706, at a Court of Grand Sessions in Barbados,
I was of Council for one Margaret Coe, who was
indicted on the Act for a Paper Credit. I objected
to a Juror, being instructed that he was returned by
John Holder as a Member of H.M. Council. I offer'd
to give my reasons why Holder was not legally consti-
tuted a Member of Council, but he and his party on
the Bench raised so great a clamour that I was not
suffered to proceed, Holder often saying that it was
as criminall to question whether he was a legall
Councillor as to question the Queen's title to the Crowne,
and dictated to the Court a question whether I should
be fined for offering this objection in open Court, and my
behaviour thereupon. 29 voted that I should, 25 against,
of which number the Chief Justice was one. I petitioned
the President to stay proceedings until the matter
should be heard in Council, offering to prove what I
had alleged. My petition was granted, but the appeal
remains undetermined. My objection is, that when
Sir B. Granville put Col. Holder in, there were already
eight Members of Council in the Island, *etc. Signed,*
Tho. Hodges. Endorsed as preceding. 2½ pp.

702. ii. Copy of proceedings of the Court referred to in preceding.
Names of the Members of the Court with their votes
as above. Endorsed as preceding. 2½ pp.

702. iii. Remonstrance of Wm. Rawlin, Attorney General,
Wm. Walker, James Cowse, John Peers and Richd.
Carter, barrister at law, to the President, in favour of
Mr. Hodges, *as above. Endorsed as preceding. Copy.*
2 pp.

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702. iv. Deposition that Hodges behaved as described above, with all due modesty and respect *etc.*, and said nothing but what was lawfull and fit *etc.* *Signed*, Wm. Rawlin, Wm. Walker, John Peers, Richard Carter. James Cowse being ill, his affidavit was not taken. *Same endorsement.* 1 p. [*C.O.* 28, 9. *Nos.* 97, 97.i-iv.; and (*without enclosures*) 29, 10. pp. 421-423; and (*duplicates of ii., iii.*) 28, 43. *Nos.* 13, 14.]

Jan. 3.
Whitehall.

703. Earl of Sunderland to the Council of Trade and Plantations. Amongst the papers carried yesterday to the Council to be laid before the Queen, there was one from your Board in behalf of Col. Lambert to be Lt. Governor of Nevis, which I was surprized to find, having never seen it, or heard anything of that matter from you before. I thought it had been usual to acquaint the Secretary of State with all business that relates immediately to his Province before it be brought to the Council; I am sure it is so reasonable that I may very well expect it: Therefore I must desire it may be so from you for the future. *Signed*, Sunderland. *Endorsed*, Recd. Read Jan. 3, 1707. 1 p. [*C.O.* 323, 6. *No.* 24; and 324, 9. pp. 133, 134.]

Jan. 3.

704. Mr. Churchill to [? W. Popple]. Whether of course all Governors abroad complaine of great hardsp., I know not; but Coll. Park has wrote me a dismall acct. of the difficultys he labours under by the poverty of the Leeward Islands, and the excessive price of all necessarys for humane life there *etc.* *Prays* H.M. approval of Acts of Antego and St. Kitts granting him a settlement amounting to 400*l.* per annum, *etc.* *Signed*, Wm. Churchill. *Endorsed*, Recd. Read Jan. 7, 1707. 1 p. [*C.O.* 152, 6. *No.* 70; and 153, 9. p. 438.]

Jan. 3.

705. Heads of Complaints exhibited to this Board against several of the Council of Barbadoes, delivered to the Earl of Sunderland. *Repeats No.* 612. 1½ pp. [*C.O.* 28, 9. *No.* 85; and 29, 10. pp. 375, 376.]

Jan. 3.

706. Solicitor General to W. Popple. I have carefully perus'd the Laws of Maryland recd. from you, but very many of them referring to Laws formerly pass'd in Maryland, I am very unwilling to make any report upon the Laws I have now by me till I can have the perusal of the Laws referred to. There are many other Laws in the book, which now lyes by me, which make it absolutely necessary for me, in order to the making my report, to desire that I may have the perusal of the several Laws which have bin pass'd in Maryland since the Revolution, and which have been approv'd of in this or the last reign. Maryland, being originally a proprietary Governmt., I would willingly see the copy of the first Charter, and of the Act or Instrumt. for resuming the Governmt. by the late King. If you can transmit these things to me, in a week's time I can return them with the book of Laws I have by me, and my report

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thereupon, but I must then desire I may have them as soon as may be, it being now vacation-time. It has been some inconvenience to me that I have not seen you since I desir'd Mr. Borrett to acquaint you that I had some occasions to speak with you. *Signed*, Sim. Harcourt. *Endorsed*, Reed. Read Jan. 7, 1707. 1½ pp. [*C.O.* 5, 716. No. 19; and 5, 726. pp. 399, 400.]

Jan. 4. **707.** Instructions for Mitford Crowe, Governor of Barbados *etc.* See *C.S.P.* 1705, No. 1113.i., and 1707, No. 693. [*C.O.* 29, 10. pp. 216-347; and 319, 1. pp. 141-179.]

Jan. 4. **708.** W. Popple, jr., to Mr. Penn. The Council of Trade and Plantations desire to speak with you and Mr. Willcocks at the same time *etc.* [*C.O.* 5, 1291. p. 429.]

Jan. 5. **709.** Mr. Bridger to the Council of Trade and Plantations. Boston, New England. Since my last, i have been traveling southward above 60 miles, where i find great quantitys of very good masts, but are left without any care as to the preservation of them. I would have appointed a Deputy, but must have your Lordshipp's aprobation. 30*l.* per annum will be enough at this place. As to Piscataqua, there cannott be less than 3 Deputies, at the 3 great rivers, at 50*l.* per annum, for there all the great masts are cutt, and by all there have been such a distruction and wast made by the people there, that 'twill be a worke of very great difficulty to bring those people to any tolerable method. I have daily complaints made to me wch. obliges me to go thither tho' 'tis very dificult traveling by reason of the snows and Indians. I have ordred 3 persons—Richd. Waldron, Iccabod Plaisted, and Robert Coffin—to take care of the logging, for they cut all down wherever they come for boards.—*Prays* that their salaries may be paid to him and that he may be allowed travelling expenses *as in former letter*. The people are generally inclined to promote the raising naval stores, and have given me leave to move the next Assembly to the passing any Law that I think may promote the undertaking. If I had power to survey all H.M. land, 'twould be of great concequence, for here is a great many thousand acres possessed without any rights *etc.* *Signed*, J. Bridger. *Endorsed*, Reed. 24th, Read 28th July, 1707. *Holograph*. 2¼ pp. [*C.O.* 5, 864. No. 190; and 5, 912. pp. 381-384.]

Jan. 6. **710.** Mr. Dummer to W. Popple. Sailings of Jamaica packet-boat. Out and home, 106 days. Sir J. Jennings was not heard of at ye Carribee Islands. Nevis begins again to looke in a good condition, they don't apprehend any insult from the French: But are informed from Martinico, Guardalupa and St. Thomas that those people fear a descent upon themselves. Those Islands are very healthy, but complain that all their money is gone, and much murmuring is at Barbadoes on that account. Nothing material comes from Jamaica. Commerce with the

1707.

Spanyard hath been but small of late. Commodore Kerr's ships have been very sickly, having lost 300 men, but are recovering and preparing for a cruize. So has this packet-boat, having lost 10 men in the voyage *etc.* *Signed*, E. Dummer. *Endorsed*, Reed. Read Jan. 7, 1707. *Addressed. Sealed.* 1 p. [C.O. 323, 6. No. 25.]

Jan. 6. **711.** Earl of Sunderland to Governor Crowe. Being
Whitehall. inform'd that Mr. Steele, a Gentleman belonging to H.R.H. family, has an estate in Barbados legally conveyed to him by his late wife, I desire you will not let him suffer by his absence *etc.* *Signed*, Sunderland. [C.O. 5, 210. p. 7.]

Jan. 7. **712.** Same to Governor Parke. I have received your
Whitehall. of Oct. 4 and 31, and will make the best use I can of the information you give me for H.M. service. I find the present condition of the people under your Government requires your utmost discretion, temper and humanity, which I question not but you will show on all occasions, as I shall endeavour on my part to promote everything that may contribute to their relief and safety, according to the advices I shall receive from you. *Signed*, Sunderland. [C.O. 5, 210. p. 7.]

Jan. 7. **713.** Earl of Sunderland to Mr. Sharpe. Thanks for ac-
Whitehall. count of Barbados *etc.* *Signed*, Sunderland. [C.O. 5, 210. p. 18.]

Jan. 7. **714.** Same to Governor Handasyd. *Acknowledges* letters
Whitehall. of Sept. 16 and Oct. 25. I am to commend your discretion and diligence in giving notice to the *Spanish* Governors of the French designs *etc.* I desire you will continue to give me information at large of all affairs that relate to your own Government, and of any remarkable occurrences in other parts of America that shall come to your knowledge. I am sorry to find (Nov. 19), that the Assembly have made any Bills that according to H.M. Instructions you ought not to pass, but can say nothing farther of 'em till you have sent me over copys, which I desire you to do by the first opportunity, and when you have any news I think you ought rather to referr the Committee of Trade for it to the Secretary of State, than to send him thither for his Information. I shall always have a particular regard to those you recommend to me, and will let you know by the first opportunity H.M. pleasure in relation to the persons mentioned in your last. *Signed*, Sunderland. [C.O. 5, 210. p. 19.]

Jan. 7. **715.** W. Popple, jr., to Sir Simon Harcourt. Sends Laws
Whitehall. of Maryland *as requested Jan. 3.* I have been three times at your Chambers, but had not the good fortune to find you there. There was no Instrument for resuming the Government of Maryland, but what is express'd in the Preamble of Col. Copley's Commission. *Copy enclosed.* [C.O. 5, 726. pp. 400, 401.]

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Jan. 10.

716. Merchants of Barnstaple and Biddiford trading to Ferreland to the Council of Trade and Plantations. Return thanks for convoy, which proved very beneficial. Pray that Ferreland may be fortified and a man of war yearly attend and guard that harbour. The fishery is much decayed. In Ferreland and the adjoining harbours the inhabitants, who once kept 86 boats, now keep only 7. *etc.* 30 *signatures*. *Endorsed*, Recd. 10th, Read 24th Jan., 1707. 1 p. [*C.O.* 194, 4. No. 13; and 195, 4. pp. 357-359.]

Jan. 13.

St.
Christophers.

717. Governor Parke to the Council of Trade and Plantations. *Repeats gist of Jan. 19.* I am finishing the workes. I don't think, except what the officers have, there is 10 swords in the whole Island, *etc.* The best way to preserve these Islands would be to destroy Martineque, or take Porto Rico, and settle all the inhabitants on that one Island; the advantage of the sugar-trade would more than countervail the charge, and as it might be order'd, it might be done wth. little charge; the people of New England, New Yorke, Road Island, *etc.* would gladly send a good number of men as volunteers, for they are almost undone by haveing all their vessells in a manner taken by the privateers of Martineque, *etc.* *Signed*, Daniel Parke. *P.S.*—If the Queen will not spare English troops, send us 10,000 Scotch, *etc.* as No. 723. If they chuse out all zealous kirkmen, I promise they shall never trouble the Queen's affairs more; if they do not take Martineque, I will gett them disposed off, and I think that will be some service. *Endorsed*, Recd. 14th, Read 17th March, 1707. 2½ pp. *Enclosed*,

717. i. List of Stores of War left by Sir J. Jennings at St. Kitts, Dec. 23, 1706. *Endorsed*, Recd. March 14, 1707. 2 pp.

717. ii. List of Stores of War at St. Kitts before Sir J. Jennings' arrival. *Endorsed as preceding.* 1 p. [*C.O.* 152, 6. Nos. 77, 77.i., ii.; and (without enclosures) 153, 9. pp. 467-470.]

Jan. 13.

Whitehall.

718. Council of Trade and Plantations to Lord Sunderland. *Reply to Jan. 3.* We shal be very ready at all times to comply, it being very reasonable that your Lordp. be fully informed in all those matters from us that come before H.M. [*C.O.* 324, 9. p. 134.]

Jan. 14.

Whitehall.

719. Council of Trade and Plantations to the Earl of Sunderland. Enclose following to be laid before H.M.

719. i. Council of Trade and Plantations to the Queen. Report upon the petition of the Council and Assembly of Barbados. If the 4½ p.c. were collected in Barbados and disbursed there for the fortifications and other uses of the Island, the danger of the seas might in a greater measure be avoided, and some charges saved, as petitioners suggest; but whether it be most convenient to make the alteration desired, or to continue the remittance of the said Duty to your Majesty's

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Exchequer, as is now practised, we humbly conceive is best known to the Officers of your Majesty's Revenue. The said Council and Assembly, having represented the weak condition of their Militia and thereupon prayed that your Majesty will be graciously pleased to order a full Regiment for the defence of that Island, and that for the further support of that Regiment they were passing an Act for appointing free quarters as an addition to your Majesty's pay, we do humbly represent that the danger to which Barbados is exposed during the war does require a regular and disciplined force, as well for the immediate preservation of that important Island, as because it lying most to windward, the forces sent thither may conveniently succour your Majesty's other Charribbee Islands in case of distress. [C.O. 29, 10. pp. 383-386.]

Jan. 16. **720.** Order of the House of Commons. The Council of Trade and Plantations are to lay before the House a state of the Newfoundland Fishery. *Signed*, Paul Jodrell, Cl. Dom. Com. *Endorsed*, Recd. Read Jan. 17, 1704. $\frac{1}{2}$ p. [C.O. 194, 4. No. 1; and 195, 4. p. 329.]

Jan. 17. **721.** Merchants trading to Newfoundland to the Council of Trade and Plantations. Pray that the convoy may sail the first fair wind after March 10. The fishery has decayed through the late arrival of the fishing ships owing to the convoy not sailing till April or May. Commanders of ships and inhabitants of Newfoundland praise the care and indifatigable dilligence of Capt. Lloyd. *Signed*, Solomon Merrett, Charles Houblon, and 23 others. *Endorsed*, Recd. 17th, Read 24th Jan., 1704. 2 pp. [C.O. 194, 4. No. 14; and 195, 4. pp. 360, 361.]

Jan. 18. **722.** Mr. Perry to Mr. Popple. *Encloses following. Endorsed*, Recd. Read Feb. 12, 1704. $\frac{1}{2}$ p. *Enclosed*,

722. i. Mr. Bassett to Mr. Perry. *Announces* death of our good Governor [of Virginia], Aug. 23. A greater loss could not have happened to this poor country, for it seemed to me his whole study was to doe everybody justice, and see clear from the least shadow of parsiallity, that in a little time he would have healed all those unhappy differences that have of late made us uneasy, and united us again to be one people etc. *Prays* to be omitted from the Council in the new Governor's list, on account of his health and private affairs, etc. *Signed*, Wm. Bassett. $1\frac{1}{2}$ pp. [C.O. 5, 1315. Nos. 42, 42.i.; and (without enclosure) 5, 1362. p. 100.]

Jan. 19. **723.** Governor Parke to Mr. Secretary Hedges. The sickness at Nevis is abated. Sir J. Jennings has left us some stores (a scedule enclosed). The musketts he left are of no great use to us, they are very short, they are serviceable on board tho'

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not on shore, we are in great want of musketts and ball and swords, bayonets and catuch boxes. I hope the store ships that are coming will supply us. The French threatened to take me and this Island before New Year's day, and to keep the Island; I had an acett. from St. Thomasses of their designe, and put the Island into the best posture our cyrcumstances were capable off, and continued myselfe uppon it; severall slupes lay hovering about the Island, but they did not think fitt to land. I am finishing the workes, when they are done, I hope this Island will be secure against any American force, and I hope you will imploy them so in Europe they will have no leisure to send any from thence. The only way to secure these and the other Islands will be to take Martineque. Send me over tenn thousand Scotch with otemeal enough to keep them for 3 or 4 months, lett them be well provided with armes, wee will make what men we can(e) here, and if I might have leave, I would go to the Continent and gett some there, and lett us try our ffortune, if wee take it, we will have the plunder, the Scotch shall have the Land, in time the warm sun will exhale all those crudeties that makes them so troublesom, and 'tis not impossible but it may have the effect to make them of a more sociable Religion; if we have not success if you chuse out those that are so zealous to maintain the Kerke and against the Union: if I gett them all knock'd on the head, I am off the openion the English Nation will be no great loosers by it. I think this no ill project, the Queen venturing nothing but a few armes and otemeal, and 'tis possible may for ever preserve her Islands here, and gain a very considerable one, and wth. it the sugar trade, *etc.* If this won't do, we can go take the finest Island in America, weh. is Porto Rico, *etc.* I will dispose of the Scotch for you there; 'twill be a better settlement for them than their beloved Darien. *Prays* for a letter by every packet. *Signed*, Daniel Parke. 3 $\frac{1}{4}$ pp. [C.O. 239, 1. No. 19.]

Jan. 22. **724.** Mr. Thurston's Memorial of the necessaries to be sent to the garrison at Newfoundland. Set out, *Acts of Privy Council*, II. pp. 512, 513. *Endorsed*, Recd. Read Jan. 22, 1707. 2 pp. [C.O. 194, 4. No. 12; and 195, 4. pp. 338, 339.]

Jan. 22. **725.** Council of Trade and Plantations to the Board of Whitehall. Ordnance. Pray for an account of the charge of maintaining the forts and garrison of Newfoundland, to be laid before the House of Commons. [C.O. 195, 4. p. 340.]

Jan. 23. **726.** Council of Trade and Plantations. Report upon Whitehall. Newfoundland in pursuance of Order of the House of Commons, Jan. 16. *Repeat* previous accounts showing increase in 1706 over 1705, in fishery and inhabitants, *etc.*, cost of garrison, proceedings of the Board during the year, *etc.* and the most notorious abuses in the fishery reported by Capt. Underdown. [See Nov. 11, 1706.] *Concludes*: For the prevention of which irregularities, we take leave to offer that a power be given, by a

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clause in an Act that shall be passed, to the Commanders of H.M. ships of war, that shall come into any Harbour in Newfoundland, to lay fines and penalties upon offenders against the Newfoundland Act, according to the nature of the offence committed, such fine not exceeding 5*l.* sterl. ; and that a power be likewise given them of confining such offenders in case of non-payment, such confinement, not exceeding the space of ten days. We further humbly offer that the Commanders of H.M. ships may have the power of a Custom-house officer to search the New England ships upon their coming, and to take an account of the number of their seamen and passengers, and to take bond from each of the masters, that they shall not carry away a greater number of men than they brought, which we hope would in a great measure prevent the irregularities committed by the New England Traders. [*C.O.* 195, 4. *pp.* 341-357.]

Jan. 24.
Office of
Ordinance.

727. Board of Ordnance to the Council of Trade and Plantations. Enclose following in reply to letter of Jan. 22, "received about 4 o'clock this afternoon." *Signed*, C. Musgrave, Ja. Lowther, Ja. Craggs, Wm. Bridges. *Endorsed*, Reed. Read Jan. 27, 1707. 1 *p.* *Enclosed*,

727. i. Account of the charge of the Engineers, gunners *etc.*, repairs of fortifications and stores of war sent to Newfoundland, 1705 and 1706. *Total*, 7,486*l.* 17*s.* 1*d.* $\frac{3}{4}$ *p.*

727. ii., iii. Account of stores referred to in preceding. $4\frac{1}{4}$ *pp.* [*C.O.* 194, 4. *Nos.* 15, 15.i.-iii.; *and* (without enclosures) 195, 4. *p.* 362.]

Jan. 24.
Whitehall.

728. Council of Trade and Plantations to the Earl of Sunderland. Enclose extract of letter from the President and Council of Virginia shewing the expediency of a convoy to be speedily sent *as* recommended Dec. 20, 1706. [*C.O.* 5, 1362. *pp.* 91, 92.]

Jan. 27.
London.

729. S. Merrett and other Newfoundland Merchants to the Council of Trade and Plantations. Memorial concerning French prisoners there. *See Journal of Council of Trade.* 8 *signatures.* *Endorsed*, Reed. Read Jan. 27, 1707. 1 *p.* [*C.O.* 194, 4. *No.* 16.]

Jan. 27.

730. Mr. Feild and Mr. Wyeth, on behalf of their Friends called Quakers in Connecticut, to the Council of Trade and Plantations. Complain of several laws of Connecticut as inconsistent with the Laws of England and their Charter, and pray for their repeal. *Signed*, Jos. Wyeth, John Feild. *Endorsed*, Reed. Read Jan. 27, 1707. $2\frac{1}{2}$ *large pp.* [*C.O.* 5, 1263. *No.* 130.]

Jan. 28.

731. Sir T. Laurence to the Council of Trade and Plantations. Pursuant to your Lordships' late order I have carefully examin'd the Journals of Council and Assembly of Maryland, April, 1706, *etc.* I am very much surprized to find that the Governor, instead of endeavouring to rectify the mistake relating to the

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taking away the Ordinary licences from the Secretary's Office, or giving his reasons, pursuant to your Lordships' letter, hath only communicated to the Council in Assembly my Petition to H.M. and one of your Lordships' letters, which he sent down to the House of Delegates, not only without any recommendation for redress, but rather with encouragement and advice to assert their reasons for having passed that Law, or else they must expect H.M. dissent thereunto, but how far the reasons now drawn up by their Committee of Laws for taking away the Ordinary Licences from H.M. Secretary's office, reported to the House of Delegates, and concurred to by them, and sent back to the Governor in Council (where it appears not by the Journal that he was present), will include his assent, he not having been pleased to send any reasons of his own, or will justify his having passed that Law, or answer your Lordships' demands for an account of his so doing, I leave to your Lordships' prudent consideration. As to the Committee's Report (1) I know not but that it may be true that in 1662, the Law for setting up Ordinaries was first made, and perhaps without fee, since the Colony and Government had not long before been tolerably peopled and settled. (2) It may be true, that in 1678 the first Act might pass which appointed a fee of 2,000 lb. of tobacco yearly to be paid by each Ordinary Keeper at the seat of Government, and 1,200 lb. tobacco in all other places to the Lord Baltimore, for advancing the Revenue of the Lord Proprietor, and therefore for the support of the Government, which having been by him first settled on the Secretary's Office, was with all other parts of the Publick Revenue (given for that end) in 1691 yielded by him up to the Crown; and as it is true that his Lordship, with the consent of the Assembly, did settle certain fees and perquisites upon each respective office of the Government, so did he assign the benefit of the Ordinary Licences to the Secretary's, but not, as it is pretended, by meer favour to them, as his relations, but by an advantageous exchange for the Naval officer's fee of 40s. for the entrance and clearing of each ship trading to Maryland, which the Secretaries before enjoy'd, and which his Lordship oblig'd them to quit for the Ordinary Licence fee. (3) It is true that Col. Lionell Copley coming into the country with his late Majesty's Commission, before the Secretary arrived, and designing to get what he could, and intending the suppression of the Secretary's Office, did perswade the Assembly in May, 1692, to give unto himself both the benefit of the Ordinary Licences, and also that of the Naval Office, by two Acts then passed to that purpose, both which at several times had belonged to the Secretary's Office, and this I did assert in my humble Petition to his late Majesty, and with it sent home the proofs thereof the latter end of 1692, but went not then my self, as is wrongly alledged. But that upon my Petition, the said Act for Naval officers' fees (then given to the Governor) was dissented to by the King, and ordered to remain as a perquisite to the Secretary's Office, is utterly false in fact, as is evident by your Lordships' own Report, confirmed by H.M. Order in Council,

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March 2, 1693, and is notoriously known to all the Council, and especially to all the Governors of Maryland, who pursuant to the said Order of Council and the Act of Assembly of 1692, confirmed by it and by an Act of Parliament, have ever had the Naval Office vested in them and have received the profits thereof; which falsity of fact could never have passed the notice of the Governor and Council, had those reasons been read and agreed to by the Honourable — as Mr. Bladen, the Clerk of the Council, either by mistake or artificially has either affirmed or denied. As strange and untrue it is, which the House of Delegates affirms, that they do not find any Order from the King and Council, that the Ordinary Licences should or ought to be a perquisite of the Secretary's Office, since your Lordships by that very Order were pleased to advise his late Majesty that the Act for regulating Ordinaries, whereby the benefit of Licences for Ordinaries is given to the Governor (Copley), may be disallowed by H.M. for this very reason, that you were satisfied (by the proofs sent with the Petition), that they formerly belonged to the Secretary; and his late Majesty, upon your Lordships' Report having actually set aside and disallowed the said Law, does manifestly declare that he was of opinion that it was not in the power of the Assembly to give the profits arising from those Ordinary Licences to whom they pleased. (4) Upon the said Order of March 2, 1693, being brought into Maryland the latter end of 1693, the very next Assembly in the same year (as I take it) under Governor Nicholson, by an Act pursuant to the said Order did settle the benefit of those Ordinary Licences upon the Secretary of Maryland for the time being, from three years to three years, and continued so to do until Oct., 1703, which plainly shew against themselves that they thought they were limited and restrained to settle them as they had done, in obedience to the said Order, nor does the enacting of that Law from three to three years make any difference in the right or power in disposing of that fee at their pleasure, but rather confesses in four Assemblies the limitation of their power; but that that Law and that other Law made for the settling and declaring the certain fees of the officers of the Government were not made perpetual (as perhaps the respective Governors might and ought to have done, according to their royal Instructions), hath given an occasion to the Assemblies to attempt the making the fees of all offices precarious and uncertain, and to myself of another last complaint to your Lordships against the Governor and the Assembly held in Dec., 1705, for taking away at least 7,000 lb. of tobacco yearly of the old Provincial Court and Land Office fees, none of the other offices being touched, of which complaint the Governor has taken no notice, nor applied any remedy, which practice will soon discourage any Gentleman to seek for that office. (5) As to the Committee of Laws refusing, in April, 1704, to receive the Secretary's reasons offered them against the Bill, themselves confess it, by saying it was given them in charge by the House of Delegates (who, indeed, had voted that they would not recede from their resolve), and therefore that

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the Committee could not act contrary to their directions not to receive it. *Prays* for the protection of his rights, the repeal of the Law April, 1704, and recompense for 600*l.* already taken from him thereby, *etc.* *Signed*, Thomas Laurence. *Holograph.* 3½ *pp.* *Enclosed*,

731. i. Extract of Journal of House of Delegates of Maryland. Proposal to take away the Land Office Record from the Secretary *etc.* Sept. 14, 1704, April 4, 1706. 2 *pp.*

731. ii. Extract of Journal of Assembly and Council in Assembly of Maryland, April 2, 1706, relating to the taking away the Ordinary licences from H.M. Secretary's Office there, and settling the same upon the country. 3 *pp.* *The whole endorsed*, Recd. Jan. 27 (*sic*), Read March 7, 1707. [*C.O.* 5, 716. *Nos.* 21, 21.i., ii.; and (*without enclosures*) 5, 726. *pp.* 418–426.]

[Jan. 28.] **732.** Sir E. Northey to the Council of Trade and Plantations. *Encloses following.* *Signed*, Edw. Northey. *Endorsed*, Recd. Read Jan. 28, 1707. ½ *p.* *Enclosed*,

732. i. Names of Commissioners of Review in the case of the Mohegan Indians. Lord Cornbury and 11 Councillors of New York. ¾ *p.*

732. ii. Draft of Commission of Review. 6¼ *pp.* [*C.O.* 5, 1263. *Nos.* 131, 131.i., ii.; and 5, 1291. *pp.* 430–436.]

Jan. 29. **733.** Council of Trade and Plantations to the Earl of Whitehall. Sunderland. *Enclose following.* *Annexed*,

733. i. Council of Trade and Plantations to the Queen. *Enclose* draft of a Commission of Review [Jan. 28] of the complaints of the Mohegan Indians, *etc.* [*C.O.* 5, 1291. *pp.* 436, 437.]

Jan. 29. **734.** Wm. Penn to the Council of Trade and Plantations. (29 currt.) Honble. friends. There lyes a Reference before you in relation to my surrend of my Govermt. of Pennsylvania to the Queen, I earnestly beg that matter may proceed, and yt. you will please to compleat yr. report, remembering my expences and long Toyles to make a prosperous Colony to ye Crown, the certificate of ye Custom-house officer of ye benefitt thereof to the Crown, both ye 1*d.* per *lb.*, and ye revenue upon Tobaccos at large, to neer 9,000 *lb.* per annum, and ye 1*d.* per *lb.* to between 5 and 600 *lb.* per ann., besides wt. is circulated by Barbados, Jamaica, Nevis, Antegua, *etc.* for England of their growths for ours, and wt. you please of its being for ye Queen's service as you have been pleas'd often to alledge, but forget not yt. I am ye last Colony, so ye youngest, and have not enjoy'd it long enough to have reapt the crop I have sown. I am Your Respectfull. friend, Wm. Penn. *Endorsed*, Recd. Read Jan. 29, 1707. *Holograph.* 2 *pp.* [*C.O.* 5, 1263. No. 132; and 5, 1291. *p.* 438.]

Jan. 29. **735.** Governor Handasyd to the Council of Trade and Jamaica. Plantations. I am favoured with your Lorps. of Sept. 26, and

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Nov. 12, 1706, by this packett, with an enclos'd letter from H.M., whereby I am commanded not to pass any Laws of an extraordinary nature before they are approved of by H.M., which I shall not fail to observe; and had in some measure resolved on before, as I have mentioned in a former letter, finding an Assembly run out on such extreams and errors, as I never could have complyd with. The news I have now received from Sir C. Hedges confirms an account we had of the glorious success of the Duke of Marlborough, *etc.* and I hope our intrest in Spain is retrieved, tho the Spaniards here have had advice from thence, much to our disadvantage, that the Duke of Anjou has again in his possession all Spain, and has put to the sword all those who were in the interest of King Charles, which has mightily discouraged King Charles' party here and encouraged those of the Duke of Anjou's, but I have taken all the care I can to undeceive them, by giving them an account of what successes we have had in Savoy and Milan, and that there is a powerfull force gone to Spain to oblige the Spaniards to a true obedience to their lawfull King. The squadron under the command of Sir J. Jennings arrived here Jan. 2; he sent three men of war with letters to the Spanish coast on his first coming into the West Indies: by the answers enclosed yr. Lops. may judge how matters are altered in these parts on the news lately recieved by French emissarys. The squadron under Commadore Kerr has been attended with great mortality, but four of them are gone with Sir J. Jennings to the Spanish coast to make as great an appearance as they can, in hopes something may offer for the advantage of H.M. and her Allies: the Admirall designs to return in three weeks' time, and in four or five days after to begin his voyage for England, the ships being not in a condition to continue longer here, both for want of provisions, and by their not being sheathed: all the ships under his command are very well, except the *Northumberland*, which has lost a great many men, and most of those remaining are ashore sick at the Hospitall. I have been obliged to put on board a hundred odd men of my Regiment, to assist the four ships belonging to Capt. Kerr, not being able to supply them with sailors. I enclose an Address to H.M. from the Councill, Assembly and myselfe, which I request your Lordships will recommend to Sir C. Hedges to lay before H.M. I desire your Lorps. will be pleased to prevail with H.M. for her Privy Seal, to the disallowing of a clause in the Quartering Act past the last year, whereby all foreigners were made incapable of acting either in civill or military employments, upon a very severe penalty, and I finding it absolutely necessary to restore all those gentlemen, they are still liable to that penalty, unless H.M. repeal the Act. The Assembly have now pas'd an Act for quartering the Regiment another year, to commence Feb. 1, but will not admitt of any conference with the Councill upon it, calling it a Mony Bill. tho they have tack't severall clauses to it, for perpetuity, as will appear by the Minutes of the Councill, to be sent home with the Bills by the next packett, but I could not help passing it, unless I had proclaimed Martiall Law for

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the subsisting the soldiers, which would have been very pernicious to the manufactory of England, as well as to the trading people of this Island. Here are two or three other Acts which I think mysele obliged not to pass, but shall send them home to your Lops. to shew you the design of these people, notwithstanding my communicating to them H.M. Privy Seal, and using all other arguments I could think of. I enclose the Minutes of the Councill and Assembly. Here is one Barrow, a blind man, who was formerly Attorney General of this Island, and was turned out on my first coming to the Government for his villainous practices against the Queen's authority; after which, he made it his business to get into the Assembly, where he put everything into such a flame that I apprehended it would have been of very evill consequence; he has been off the Islande for these three years past, in which time he has visited severall of H.M. Colonies, as New England, New York, Carolina and Bermudos, in all which places he endeavoured to sew the seed of sedition, taking part with the disaffected, as appears by a letter from the Governor of Bermudos now enclosed. He lately returning to this Island, I have refused letting him practise in any Court of Law here, as an utter enemy to the peace and tranquility of H.M. subjects, therefore hope what I have done herein will be approved of by your Lordships. Here is arrived, by this packett boat, an officer and 20 recruits, one of the new Captains is left sick at Barbadoes. I have writt at large to Mr. St. John, to lay before H.R.H. and his Grace the Duke of Marlborough a scheme for the recruiting my Regiment, which I hope will not be neglected. The Spaniards are as willing as ever to continue a private trade with us, but we are not yet supply'd with woollens for that trade, which I much wonder at. *Signed*, Tho. Handasyd. *P.S.*—The present Attorney General beleiving he shall soon have leave to go home, I recommend in his stead Coll. Wm. Brodrick, who was formerly in that post, and is a very fitt man. *Endorsed*, Recd. 14th, Read 17th March, 1707. 3½ pp. *Enclosed*,

735. i. Governor of Carthagen a to Sir J. Jennings. The news your Excellency writes (Dec. 14, 1706) is wholly made void by letters I have received from the Catholick Majesty, Philip V, that he is restored to the Court of Madrid and hath regained all the other towns *etc.* In his defence we will spill the last drop of our blood. Jan. 5, 1707. *Copy*. 1 p.

735. ii. Lt. Governor Bennett to Governor Handasyd. Bermuda, Nov. 10, 1706. *Describes* Mr. Barrow's foolish and insolent behaviour. He went from Jamaica to Rhoad Island, New England, and New York and finding himself neglected there, to Carolina, where, being treated according to the post he had in your Island, "which soe much puffed him and his homely yoak up that he had the insolence to contradict and affront the Chief Justice on the Bench, and she the confidence to ridicule and abuse the best of both sexes

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on the place, insomuch that the Carolinans gave it out they would set up a cucking-stool for her, which is thought was the occasion of their scouring hither." After making pretence of friendship for me, he presently, when warm with wine, contradicted me and refused to apologize. He then openly sided with the male-contents, Dr. Starr *etc.* He declared he knew he could have noe justice done him here and was prosecuted and fined 40*l.* He refused to plead, denying the jurisdiction of the Court,—a villainous contrivance to help his associates and to destroy our constitutions, for had his argument prevailed and the Bench been startled att his quotations of Acts of Parliament, which are very positive, that noe Commissions shall be granted but in the name of the King or Queen (which as I take it only relates to England), he had gain'd his point, by unraveling and seting aside the whole authority of the magistracy, and consequently released his friends in the jail, who are there for being under contempt thereof, *etc.* *Signed,* B. Bennett. *Holograph.* *Endorsed,* Recd. March 14, 170*8*. 4 *pp.*

735. iii. Address of the Governor, Council and Assembly of Jamaica to the Queen. Congratulations on Marlborough's victories, and thanks for the protection afforded by H.M. soldiers and ships. *Signed,* Tho. Handasyd, Richd. Rigby, Cl. Concil., by order of the Council, John Peeke, Speaker. Past the Assembly Jan. 25, 1706. *Endorsed as preceding.* 1 *p.* [*C.O.* 137, 7. *Nos.* 37, 37.i.-iii.; and (without enclosures) 138, 12. *pp.* 69-74.]

Jan. 29. **736.** Council of Trade and Plantations to the Earl of Whitehall. Sunderland. Enclose following to be laid before H.M.

736. i. Council of Trade and Plantations to the Queen. Recommend supply of provisions and clothing for the Garrison at Newfoundland, and sailings of 6 convoys in Feb., March and May to cruise off the coast and harbours. Set out, *Acts of Privy Council*, II. *pp.* 512-514. [*C.O.* 195, 4. *pp.* 363-365.]

[Jan. 31.] **737.** Merchants of Dartmouth trading to Newfoundland to the Council of Trade and Plantations. Memorial concerning convoys and prisoners *etc.* as Jan. 17 and 31. 14 *signatures.* *Endorsed,* Recd. Read Jan. 31, 170*8*. 1 *p.* [*C.O.* 194, 4. *No.* 17.]

Jan. 31. **738.** Mr. Thurston to W. Popple, jr. Encloses following. You'll find the number provided for to be 100, when that of the Company's 92. I presume the gunners are included, altho I formerly acquainted the victuallers that the officers of the Ordnance desired no such provision might be made for them, since they payd them their full mony, and are therefore to take

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care of themselves. If this be so, there has been another undue advantage to somebody, and will continue unless restrained. *Signed*, J. Thurston. *P.S.*—Mr. Moody has since told me the gunners had no provisions from the publick stores during his time. *Endorsed*, Recd. Read Feb. 7, 170 $\frac{6}{7}$. 1 $\frac{1}{2}$ pp. *Enclosed*,

738. i. R. Stephens to Mr. Thurston. Victuallers' Office, Tower Hill, Jan. 29, 170 $\frac{6}{7}$. Encloses following. *Signed*, Robt. Stephens. *Addressed*. *Sealed*. $\frac{3}{4}$ p.

738. ii. Account of provisions for 100 men sent to Newfoundland, 1706. $\frac{3}{4}$ p. [*C.O.* 194, 4. Nos. 18, 18.i., ii.; and 195, 4. pp. 306, 307.]

Jan. 31.
Plymouth.

739. Governor Crowe to the Council of Trade and Plantations. By H.M. Orders from the Seacritare of State, I was soe hurried out of Towne, thatt I had not an oportunity of takeing leave of your Lordships. We have been these 12 dayes detained by contrare winds in this Porte, *etc.* *Signed*, M. Crowe. *Endorsed*, Recd. Read Feb. 5, 170 $\frac{6}{7}$. 1 p. [*C.O.* 28, 9. No. 90; and 29, 10. p. 392.]

[? Feb.]
Barbados.

740. Wm. Cleland to the Council of Trade and Plantations. I represented to the late Governor and Councill and the Generall Assembly att my arrivall from England what I had observed there might be necessary for them to do for the peace and good Government of the Island, in particular the repealing of the Act concerning grants, and of clauses in an Act about the ffreedom of Elections, which, I believe your Lordships are acquainted before this tyme, are done. The President has not yet communicated to the Councill your Lordships' letter concerning the Act *establishing a paper credit*, and concerning St. Vincent's, therefore, tho' wee had a good oppertunity (with the assistance of Sir John Jennings' Squadron) to do some service in the last, we have hitherto been able to do nothing in these things. And tho wee are told Instructions are sent hither by the last packet about the said Paper Act, yet the President has communicated no part thereof to the Councill. I was not upon the Island when that Act past, and constantly endeavour'd since I came hither that that Law might be either repealed or amended, but private animosities and intrests has hitherto prevented it, and now a repeale of that Act is come over as I am informed there is in my opinion for want of money, and barter being as the state of the Island now is impracticable, great fear that inhabitants and trade will be much injured, *etc.* My reasons for concurring in passing the Trienniall Bill are, that about 6 years ago, when I departed this Island, the heats and annimositys which annually happen'd upon elections were very great, but since they are much increased, insomuch that before the last Governor left, at which tyme the Act past, there were great tumults which had very ill appearance, and therefore it was the said Law past the Governor, well knowing that H.M. had therein resolved [*? reserved*] to herself a power to dissolve and call Assemblies as often as shall seem proper, so that H.M. has the remedy

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ready, *etc.* The bones of contention amongst the inhabitants are (1) The chief commands of the Militia, for which tho the officers have no pay, yet they are ambitious of the character of commanding their neighbors, and also sometymes of easing themselves of the burthen of answering the Act of Militia. (2) Then there are officers in the Civill power, such as Judges, Justices of Peace, and the like, tho they bring litle profit, yet they by corruption too often bring some, and these places also are nurseries of the people's vaine expectation. (3) But that which is the great bone of contention is the office of Treasurer; it was that which begun our late contentions, and is the only valuable place in the Island H.M. has not already settled by patent. There are many jealousies of misapplication of the public money, which I think can only be prevented by the Councill Generall Assembly Committee of Publick Accounts, the Treasurer and Comptroler takeing an oath every tyme they are admitted to their trusts, *etc.* I have been advised that there has been a complaint before your Lordships against me by one Burgus. I have not influenced that matter any way whatsoever, but have lett it take the free current of the Law, and beside I had some tyme since come to an agreement in that affare, but which was broake off but not on my part, and now very lately wee are come to a finall conclusion thereof, and the whole matter in question is but 23 acres. I suspect that these complaints have been encouraged from the violence of some men concerned in a party *etc. etc.* *Signed*, Wm. Cleland. *Endorsed*, Recd. Read March 19, 1707. 3 pp. [C.O. 28, 9. No. 98; and 29, 10. pp. 424-429.]

[Feb. 3.] **741.** Extract of letter from Sir C. Hedges to Governor Parke, Aug. 1st, 1706, directing him to reside at Nevis. *Endorsed*, Recd. Read Feb. 3, 1707. 1 p. [C.O. 152, 6. No. 71; and 153, 9. p. 439.]

Feb. 5. **742.** Order of Queen in Council. The Lord High Treasurer Kensington. is to do as proposed Jan. 29 touching provisions for Newfoundland. *Signed*, John Povey. *Endorsed*, Recd. Read Feb. 12, 1707. $\frac{3}{4}$ p. [C.O. 194, 4. No. 19; and 195, 4. p. 372.]

Feb. 5. **743.** Order of Queen in Council. The Lord High Admiral is Kensington. to give directions as proposed Jan. 29 touching convoys and provisions for Newfoundland. *Signed and endorsed as preceding.* 1 p. [C.O. 194, 4. No. 20; and 195, 4. pp. 372, 373.]

Feb. 5. **744.** E. Jones to the Council of Trade and Plantations. Lt. Governor Bennett having refused me copies of complaints against me, obliged me to apply to the Assembly, who gave me only copies of former complaints, which were fully answered (1704, *etc.*). *Prays* for copies of new complaints. *Signed*, Ed. Jones. *Endorsed*, Recd. Read Feb. 5, 1707. $1\frac{3}{4}$ pp. [C.O. 37, 7. No. 36.]

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745. Council of Trade and Plantations to the Earl of Sunderland. H.M. having some time past directed us to treat with Mr. Penn in order to his surrender of the Proprietary Government of Pennsylvania, and his other claims and pretensions of government to the adjoining territories, and to report the same to H.M., for her further directions thereupon, we have accordingly received from him divers proposals, and having endeavoured to bring him to such terms as should be most advantagious to H.M. service ; upon the whole we humbly offer that, whereas in regard to the memory and merit of the Father of Mr. Penn in divers services (and as Mr. Penn alledges) in consideration of a debt of 16,000*l.* due to him from the Crown at the date of his Letters Pattents, a charter of the Proprietary Government of Pennsylvania was granted by King Charles II to him and his heirs, containing many large and ample priviledges, immunities and liberties, which in our humble opinion are capable of being extended to the diminution of the Royal Prerogatives of the Crown, and which if reunited to the Crown, from whence they were originally derived, by a voluntary surrender of the said Charter, wou'd be of great use and benefit, and conduce to the obtaining of these ends following :—To the establishment and maintenance of H.M. more immediate authority in that Province ; To the more speedy and impartial administration of justice to all persons, tho under different perswasions in religious matters ; To the more regular carrying on of a legal trade in those parts, conformably to the several Acts of Parliament made in that behalf ; To the better security, protection and defence of H.M. subjects in that Province, as well against intestine dissentions, as against a foreign enemy. And finding in Mr. Penn a ready concurrence and disposition upon fit encouragements to make such surrender, we take leave to represent, that upon consideration of his case, it appears to us that Mr. Penn, with great expence, many risques and dangers, both to his Person and Fortune, with continued Pains and Industry, and by the help of his own Personal interest, hath in great part accomplished a very difficult undertaking, by cultivating and improving what before was a Desolate Wilderness into a well peopled Colony ; which by an increase of trade, as appears by the accounts of the Custom-house, dos yearly bring an additional revenue to H.M., for effecting of which public work he hath much impaired and diminished his own private fortune not having had time enough hitherto to reap the profits of his forepast charge and labour, and the returns which have been made him not countervailing in any reasonable degree his many expences. And whereas Mr. Penn hath often attended us with certain proposals of terms and conditions, previous to his surrender, some of which we cou'd not approve of, and tho we are satisfied that he hath deserved an equitable consideration of his expences and services, and that his surrender, as is before mentioned, may be a valuable benefit to the Crown, yet we are humbly of opinion that such surrender ought to be absolute and unconditional, including a renunciation of all right, claim

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and pretension, as well to the Government of Pennsylvania, as to that of New Castle and the two Lower Counties, the whole to be stated and drawn up in such form and manner as by H.M. Council, learned in the Law, shal be advised. As to the quantum to be given Mr. Penn in consideration of the surrender of his Government, and in recompence of his services, we humbly conceive it will be best to submit both to H.M. royal grace and goodness, and we find in Mr. Penn a ready disposition so to do. 6 pp. [C.O. 5, 1233. No. 53; and 5, 1291. pp. 439-442.]

Feb. 5. **746.** Order of Queen in Council. The Earl of Sunderland, Secretary of State, is to prepare the Commission of Review [Jan. 28, 29] for H.M. signature. *Signed*, John Povey. *Endorsed*, Recd. Read Feb. 12, 170 $\frac{7}{8}$. 1 p. [C.O. 5, 1263. No. 134; and 5, 1291. p. 444.]

Feb. 6. **747.** President and Council of Virginia to the Queen. Virginia. Congratulatory Address upon the successes of H.M. arms in Brabant, Flanders, Spain and Savoy. *Signed*, E. Jennings, Presidt., Hen. Duke, John Smith, W. Churchhill, James Blair, Philip Ludwell, jr., Wm. Bassett, Dudley Digges, Benja. Harrison, Robert Carter. 1 p. [C.O. 5, 1341. No. 7.]

Feb. 6. **748.** J. Tucker to Mr. Addison. Encloses packet from Bermuda, addressed to Sir Charles Hedges [? Dec. 30, 1706], to be put into my Lord Sunderland's hands, etc. *Signed*, J. Tucker. 1 p. [C.O. 37, 28. No. 3.]

Feb. 7. **749.** Council of Trade and Plantations to the Earl of Whitehall. Sunderland. Encloses Memorial from merchants trading to Newfoundland relating to prisoners that have been or may be taken in those parts. [C.O. 195, 4. p. 368.]

Feb. 7. **750.** Mr. Dummer to W. Popple. Sailings of the *Frankland* packet-boat. Out and home, 103 days. Sir J. Jennings arrived at the Leeward Islands about Dec. 8. *Signed*, E. Dummer. *Endorsed*, Recd. Read Feb. 8, 170 $\frac{7}{8}$. *Addressed*. 1 p. [C.O. 323, 6. No. 26.]

Feb. 7. **751.** An account of the sailing of H.M.S. *Warwick*. Ordered Feb. 20, 170 $\frac{7}{8}$, to prepare for an eight months' voyage to Newfoundland, the Captain received orders to sail on Feb. 27, but could not obtain gunners' stores till March 25, when the ship being unable to take in all her bread, he was obliged to delay to get freight for it. April 1—May 8 he was delayed by contrary winds with the Newfoundland and Virginia trades, as were also the West India squadron and Sir Stafford Fairborne's squadron. *Endorsed*, Feb. 7, 170 $\frac{7}{8}$. 2 $\frac{1}{2}$ pp. [S.P. Naval, 7, under date.]

Feb. 9. **752.** Col. Sharpe to the Council of Trade and Plantations. Barbados. Refers to letter of Jan. 2. Since which, in persuance of their former resolutions, the Council took into consideration whether

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Col. Holder had been legally appointed a Counsellor by Sir B. Granville, the many errors which might ensue from his acting in such a station requiring a speedy determination. The Council were of opinion that Sir Bevill having nominated Col. Holder when there were 8 Members of the Council upon the Island, had therein exceeded the powers granted to him, and that Col. Holder, so illegally appointed, should be removed from the Board. At the same time, I did myself the honour of transmitting to your Lordships the many addresses I had received from near 2,000 inhabitants of this Island, praying for a dissolution of the then Assembly, continued beyond their usual time by the Triennial Bill, as also the opinions of Mr. Cox and Mr. Walker, the only Members of H.M. Council who would attend their duty, together with that of H.M. Attorney General and Council at Law, that a dissolution only could restore the quiet of this Colony, and that by the Triennial Act the Commander in Chief had full power of himself to dissolve. I did then also honour myself with sending a copy of the Proclamation and writ issued upon the same opinions for a dissolution of the old, and calling a new Assembly accordingly, duplicates of all which your Lordships are now troubled with. In obedience of which writs a General Assembly was convened, against the several Elections which Col. Cleland and Col. Holder, with some very few others seduced by them, protested, and after some of them preferred a petition to the Council against the same, which was declared false and seditious, and upon the return day of the said writs, the Members elected by virtue of the same were, by the unanimous opinion of the Council, Col. Cleland also concurring, called in, sworn and order'd to proceed as an Assembly. Notwithstanding which so solemn decision of that affair, Col. Cleland and Col. Holder again prevailed with the same persons, and a few others added to them, to present a Petition to the Assembly so elected, in the nature of a protest against their Proceedings, and as it were, to terrifie and detir them from acting as an Assembly. The reason of which is plain, they were affraid the Assembly should proceed upon the late paper credit, which these persons and the interest of Col. Holder, which they espoused, were too deeply involved in, ever to admit any scrutiny or amendment therein. The Assembly, after considering this Petition, came to several resolutions relateing to the Petitioners, and in a more especial manner to Col. Cleland and Col. Holder, and addressed the Council to concur with them in the same, authentick copies of all which I transmit. One of the writs was by Law directed to Col. Holder, who refused to publish or execute it, and yet in their Petition to the Assembly, insists upon the non-publication and execution of that very writ as an argument to make void the General Election, tho that omission lay wholly at his own door. The Council have appointed to-morrow to take into consideration the Address of the Assembly upon those resolves, as also some other things, and severall depositions accusing Col. Holder of an arrogant expression uttered by him at the late Court of Oyer and Terminer, and

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comparing his authority to that of her most sacred Majesty ; when, I hope, such measures will be fallen upon as may promote the general peace of this place. The Council thought fit to displace John Sandford and John Dorne from all places civil and military, for their insolence to and assault of the late Chief Justice of the said Court on the Bench, and in the room of Mr. Sandford, have sworne Jn^o. Milles Judge of the Bridge Court. Thomas Merrick, one of H.M. Council, being lately dead, Mr. Rayns Bate has been sworne in his room, and James Colleton, a Member also of H.M. Councill, being dead, the Rev. Samuell Beiresford, Rector of St. Michael's Parish, has been sworne in his place. The Captain of this packet informing me he fell in with a squadron of large ships consisting of 18 sail, one of which carried a flag, and other letters from Europe adviseing of such a French squadron sail'd for the West Indies, I immediately sent out a sloop to acquaint Capt. Camock thereof, who had a few days before sail'd with all the ships of warr here, being 4, in quest of the merchant ships, which sail'd under his convoy from Ireland, but were separated by bad weather, adviseing him to return hither for the defence of this place in case of an attack from the said squadron, as also for the security of H.M. ships against them. I have also order'd a sloop to the coast of Martinique and to Tobago, for advice, and from whence it is most probable we shall be invaded. I shall forthwith call a Councill of War, and shall in conjunction with the Council omit no care that can contribute to the preservation of this place on any such event. I am under great concern, that notwithstanding my constant endeavours to serve H.M. and Predecessors as a Councillor here for near 20 years, to the general satisfaction of this Island, many endeavours should yet be now used to misrepresent me, *etc.* I have now received H.M. royall approbation of some Acts, and repeal of others, *etc.* The peaceable possession of negroes *etc.* is of the greatest importance to us, and we must accomodate it according to the directions from your Lordships. It was extreamly unhappy to this place that Col. Lilly, H.M. Engineer here, should be ordered to Antegoa at this juncture. *Refers to enclosed* Minutes of Councill, and regrets that he be taken away before Castle St. Ann be finished, a worke that has cost us so much pains and mony, and cannot (I beleive) be perfected without him. *Encloses* Minutes of Council and Assembly, and an Act we have past pursuant to H.M. royal commands, touching the late unhappy Paper-Credit, as a necessary preliminary to it. As also answers to the remonstrance and protests of some of the Members of H.M. Councill here, whose great interest in secureing the continuance of the Paper Act has carried them beyond all bounds, and been the only occasion of all the heats and differencys of the Island, which otherwise I had brought to a perfect peace and union.— And have (notwithstanding their endeavours), I thank God, effected beyond all imagination ; for excepting Col. Cleland, all the Councill and the Assembly are now under such a harmonious agreement as has never been known nor expected for many

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years past. I presume to fling myself upon your Lordships for protection. *Signed*, Wm. Sharpe. *Endorsed*, Recd. 24th, Read 29th April, 1707. 3 pp. *Enclosed*,

752. i. Deposition of Capt. Vring. On Jan. 19 he sighted 18 sail in latitude 37°, one with a flag. *Signed*, Nathl. Vring. *Endorsed*, Recd. April 24, 1707. 1 p.

752. ii. Copy of Col.* Sharpe's Speech to the new Assembly of Barbados. *See Minutes of Council and Assembly. Endorsed as preceding.* 2½ pp.

752. iii. Answer to the protest of some Members of Council against the dissolution of the Assembly. *Same endorsement.* 3½ pp. [C.O. 28, 10. Nos. 1, i.i.-iii.; and (without enclosures) 29, 10. pp. 455-467.]

Feb. 9. Barbados. **753.** Col. Sharpe to the Earl of Sunderland. Repeats gist of preceding letter. *Signed*, Wm. Sharpe. *Endorsed*, R. June 1st. 4 pp. [C.O. 28, 43. No. 19.]

Feb. 10. Barbados. **754.** Col. Cleland to the Council of Trade and Plantations. I arrived here on July 4, so that it was impossible for me to be concern'd in the Paper Act. When, a few days after my arrivall, the *Kingsayle* brought in two prizes, which I as Agent to Prizes set up to be sold for silver, and declared it would be an hardship for H.M. and the Captor to be affected by that law. Upon many occasions I did advise the Government either to repeal or amend the Law, etc. Since the departure of the late Governor there has been great disturbances here. I did all that lay in my power to prevent them, but a president Government can hardly succeed better etc. *Repeats charges against Col. Sharpe etc.* *Signed*, Wm. Cleland. *Endorsed*, Recd. Read May 16, 1707. *Holograph.* 3½ pp. [C.O. 28, 10. No. 5; and 29, 10. pp. 479-483.]

Feb. 10. Whitehall. **755.** Council of Trade and Plantations to Lord Sunderland. Enclose extract of letter from Virginia (Oct. 26, 1706) relating to French prisoners, to be laid before H.M., with our humble opinion that it may be for H.M. service that directions be given in that manner that the French prisoners taken in America, either by the Queen's ships or otherwise, shall be subsisted and disposed of for the future; and that the Commissioners for exchange of prisoners do settle a fitting establishment for that purpose, as also that the Government of Virginia be reimbursed the charge they have been at in subsisting these prisoners. [C.O. 5, 1362. p. 99.]

[Feb. 11.] **756.** A Book of Entries of Land on the South side of Black-water Swamp and other papers relating thereunto 1702, 1703. *Endorsed*, presented to the Board by Col. Nicholson. Recd. Read Feb. 11, 1704. 43 pp. [C.O. 5, 1315. No. 41.]

Feb. 11. Whitehall. **757.** W. Popple to Mr. Attorney General. The Council of Trade and Plantations send you *enclosed*. Upon the perusal of which their Lordships observe that the said tryal has been

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managed with great partiality and in an undue manner, and so as may in other cases be of evil example. Col. Johnson had been Commander in Chief of the Leeward Islands, and was at the time of his death, Lieut. Governor of Nevis, and the said Pogson has since the trial absented himself. Their Lordships therefore desire your opinion what further proceedings may be had therein, on H.M. behalf, for the loss of her subject, who at the time of his death bore so considerable a character there.

Enclosed;

757. i. Extract of letter from Governor Parke, Oct. 31, 1706.

1 p.

757. ii. Copy of trial of Mr. Pogson. *Duplicate of No. 559.ii.*
6 pp. [C.O. 152, 7. Nos. 2, 2.i., ii.; and (without
enclosures) 153, 9. p. 458.]

Feb. 12.
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758. W. Popple, jr., to Wm. Lowndes. By enclosed survey it appears that there was remaining in Sept. last near upon two years' provisions for the garrison in Newfoundland. But whereas, since that time, the Council of Trade and Plantations have not been certainly informed what quantity of good provisions is now remaining there, they think it safest that H.M. order already given for the next year's provisions be nevertheless complied with, lest the garrison be reduced to want. And in the meantime the Board has it under their care that the Commodore of the Convoy going thither be directed upon his arrival to inspect the whole stores and provisions as well in regard to their quantity as to their goodness, and to return an account thereof to this Board. But they conceive that it is necessary that this state of the provisions be sent to the Victuallers of the Navy, that they may know how to proportion the provisions for the future, and that directions be given that whatever overplus there may be, may be disposed of, as may be most convenient for H.M. service. *Annexed,*

758. i. Commodore Underdown's Account of provisions remaining in Newfoundland Sept. 20, 1706. [C.O. 195, 4. pp. 368-371.]

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759. Council of Trade and Plantations to the Earl of Sunderland. Enclose letters from Governor Parke [? Oct., Dec., 1706], to be laid before H.M. for her pleasure thereupon, particularly with relation to the great want the Leeward Islands are in of stores of war, men and ships for the defence thereof. Also an Address from the Lt.-Governor, Council and Assembly of Antigua. [C.O. 153, 9. p. 459.]

[Feb. 13.]

760. Commander in Chief and Captains of H.M. ships of war to the Council of Trade and Plantations. We have enquired into Mr. Jackson's charges against Major Lloyd (Jan. 16, 1705). The people unanimously declare them false, except as to the hiring of the soldiers, which was done upon the petition of the commanders of merchant ships. The soldiers were willing, in order to provide themselves for the winter, and always worked

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within beat of drum. *Signed*, Jo. Underdown and 4 others. H.M.S. *Faulkland*. Oct. 8, 1706. *Endorsed*, Recd. 13th, Read 18th Feb., 170⁶. 1 p. *Enclosed*,

760. i. Certificate that the signatories of following Addresses have declared it to be their own voluntary act. *Signed as preceding*. 1 p.

760. ii. Commanders of merchantships and inhabitants of Newfoundland to the Council of Trade and Plantations. Praise Major Lloyd. 101 *signatures*. *Endorsed as above*. 1 large p.

760. iii. Inhabitants of Consumption Bay to the Council of Trade and Plantations. Praise Major Lloyd. 40 *signatures*. *Same endorsement*. 1 large p. [C.O. 194, 4. Nos. 21, 21.i-iii.]

[Feb. 13.]
Bermuda.

761. Lt. Governor Bennett to Mr. Popple. *Encloses following*, through Mr. Noden, made Agent for this country. The Assembly desiring us to transmit our opinion with it, wee were all of opinion that to continue that method of loading and unloading would be destructive to the poor and ruin to the merchant *etc*. The Council pray their Lordships' resolutions thereon, which would be very acceptable to the people, who are impatient to know what to trust to. Our sentiments and opinions on this remonstrance would have been sent more regular, if the Council could have been perswaded to sit and doe business, if I sent for the Secretary to act as Clark, which when I propose, on all occasions they unanimous desire to be excused and to withdraw, nor is it possible for H.M. to make choice of a qualified Council that will sit, if Capt. Jones officiates in that post, the whole Country is soe much against him *etc*. *Dated*, Bermuda, Oct. 19, 1705. *Signed*, B. Bennett. *Endorsed*, Recd. from Mr. Noden, Feb. 13, Read March 14, 170⁶. *Holograph*. 2 pp. *Enclosed*,

761. i. Assembly of Bermuda to Lt. Governor Bennett. The Lords Commissioners' directions to you not to allow any ships to load or unload except in St. Georges or Castle Harbour, would inevitably ruin the generall part of the inhabitants. We pray you to transmit your Excellency and Council's opinion thereon. Your Excellency hath allways been ready to concur in whatsoever might be for the good of the Islands. What manufacture this Island ever hath produced, hath been tobacco, which hath in great manner decayed within these few years; whatsoever else produced here is provisions (which is not half neither what's eaten), and also cabbages, onyons, and straw ware; and were it not for our small vessells which carryes out such produce and brings in provisions and other necessities, these Islands could not subsist. *Pray* for like privileges as the neighbouring Plantations, to load and unload in any place, which cannot in any part be far from St. Georges, these islands being much subject to storms, and there being no passable wayes for carts, the carriage

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of provision will be impossible, *etc.* Altho' some wicked persons have endeavoured to perswade their Lordships that these Islands are inhabited by a stubborne and ill-tempered people, wee hope to shew the contrary, and allwaye continue to be H.M. most faithfull subjects *etc.* Signed, Francis Jones, Speaker, in behalfe of himself and ye house. Sept. 4, 1705. *Endorsed*, Recd. Feb. 13, 1709. 1 large p. [C.O. 37, 7. Nos. 43, 43.i.; and (without enclosures) 38, 6. pp. 243, 244.]

Feb. 14. **762.** Arthur Freeman to the Council of Trade and Plantations. *Prays* for the confirmation of an Act of Antigua empowering Robert Freeman, decd., and his wife Mary, to sell lands bequeathed to her by her father John Slicer. She having since married one Perne, he threatens the purchasers with law-suits, pretending the law was not confirmed, and would so ruin the infant heir, Robert Freeman. *Endorsed*, Recd. Read Feb. 14, 1709. [C.O. 152, 6. No. 76; and 153, 9. pp. 460, 461.]

Feb. 15. **763.** Governor Parke to the Council of Trade and Plantations. The people of these Islands are under very great apprehensions the French designs to attack some one or all of them. I have been these three months at St. Christophers, endeavouring to fortify that Island which is the most capable of it of any; I was three times at Nevis, and gave directions for placing the gunns Sir J. Jennings brought, the People of Antegua expecting to be first attacked, sent to desire me to come up, accordingly I came the first instant, some time before a spy that was put on shore came in and discovered that the French expected at Martinico a strong squadron, and that they designed to attack Antigua; I sent out the *Sheerness* to look into Gaurdilupa and Martinico, she brought me the news of 5 saile of men of war that were arrived, one of them gone to Leeward with some merchant ships, the other 4 are at Martinico; Indians at Domineco informed the Captain that the French that came there to trade informed them that they expected a Great Fleet, when they were arrived they designed to take Antigua and the rest of these Islands. Upon which the Councill and Assembly of this Island addressed me to send for the few soldiers that were in the other Islands, which I did because I concluded that Antigua being the windermost and much the richest Island wou'd be first attacked; if they pass this Island, I hope I shall be able to throw myself into either Nevis or St. Christophers with the few troops I have, tho' God knows they are in a bad condition to expect any service from them; I shall hardly be able to procure arms for them, and great part of them sick and lame; I don't think there will be 120 fitt to doe duty; never was any regiment soe used; they have been in these Islands, they tell me, about five years, and in all that time there has been noe recruits sent, nor no arms, nor till this year any cloathes, I had a petition given me at St. Christophers,

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signed by the three Companies there, complaining they had not received any pay since they came, I sent for their officers and asked them the reason, they informed me that the Collonell not sending any cloathes, they were forced to lay out their pay to purchase them, and their pay wou'd not doe it, some of the men produced accounts for cloathes, where they were charged 14s. for a pair of shoes that cost in England 3s., and everything else in proportion, the officers complained as much as the soldiers that they were paid here and allowed but 15 *per cent.* for difference of mony, whereas the difference from merchant to merchant was 51 to 60 (I myself had 60 for money in England) by this article the Collonell gets 35 *per cent.* at least of all the money of the regiment besides the cloathes. I think the Collonell ought to make good every man's pay to him, since he stops soe much for cloaths, and since the officers were forced to buy cloaths for them here, he ought to pay for them, for it was his own fault he did not buy at the first hand, and they ought alsoe to be supplied with arms. If the people here had not been very kind to them, they must all have starved, what service can be expected from men thus used ; severall have deserted, four went off to a privateer upon bark loggs. Upon the sending this regiment to these Islands, there was an order from the Queen that the Commander in Chief should upon the death of an officer fill up ye vacancy, which accordingly I have done, but Col. Whetham I find intends to have them superceeded. I have filled up all vacancys with the next in Commission, I had no reward or present from any, the Major dying, I made the eldest Captain Major, and the Captain-Lieutenant Captain, the eldest Lieutenant Captain-Lieutenant, the eldest Ensign Lieutenant, and two Serjeants that have served long in the regiment, I made Ensignes, I made but two new officers and those Ensignes, one is Mr. Ryley's son, of the Excise, the other Mr. Mitchell's son of Surry, both very pretty Gent. and a credit to the Regiment. Col. Johnson made one Ensign which was a Serjeant, but Col. Whetham got him superceeded and sent over a poor creature to be an Ensign, I wou'd not have hired to be my footman, he confesses he gave Col. Whetham 70 guineas for his Commission. The Collonell had the regiment given him to come over to it, he did, but soon got leave to return, and has never been with it since, had he been obliged to live here, the clamour of his own men and the People would have obliged him to have used them better ; the cloathes sent out this year never cost 30s. the mounting, they are almost all worn out already, and not a sufficient quantity sent, there is a whole mounting kept to be produced if occation, one of the Ensigns that I made was killed upon service in the *Swan*, 'tis very unreasonable that a Gent. shou'd serve perhaps 6 or 8 months and venture his life severall times and at last be superceeded. I think it my duty to inform your Lordpps. of this affair, that it may be laid before the Queen, that the poor soldiers may have justice done them, and the Officers their just due. I hope your Lordships will see that they be redressed, there are severall other

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complaints against the Collonell here, as false musters etc., for my part I expect as soon as they have an opportunity they will desert. I am at Monks Hill fortifying of it as well as I can, I have been as it were encamped ever since I came, the People seem to be cheerfull, tho' they expect the enemy. I hope if they do come, I shall doe my duty, tho' I have received noe sallary yett, and my Agent writes me word there will be none paid till the 4½ *per cent.* has paid for the stores sent, which perhaps may not be in two years. I am in a very great hurry, therefore I hope your Lordships will pardon my not obeying your orders; I shall do it if the French will give me leave in the next. *Signed*, Daniel Parke. *Endorsed*, Reed. 24th, Read 29th April, 1707. 7 pp. [C.O. 152, 7. No. 3; and 7, 1. No. 15; and 153, 9. pp. 480(b)-486.]

Feb. 15.
Monks Hill,
Antigua.

764. Governor Parke to [? the Earl of Sunderland]. *Con- gratulates him on his appointment and repeats part of preceding.* We are in a very bad condition to receive the enemy, the inhabitants fitt to bear armes not quite 800, etc. Col. Whetham lives at his ease in London, and getts more money by this Regi- ment than any five Collonells that have been in the Battles of Blenheim and Rammalies, etc. *Signed*, Daniel Parke. *Endorsed*, Reed. April 24. 5 pp. [C.O. 7, 1. No. 14.]

Feb. 17 [n.s.].
Curaçoa.

765. Mr. Aneau to Mr. Gautier in Jamaica. Desires him to forward letters to Holland. There is an embargoe laid here, on account of ye news we have here that there is expected 16 sail of men of war and 4 brigandeens laden with provisions and ammunition, which are fitting out at Rochefort. This news came by 4 shippes of war arrived at Tobago, each of which has on board 300 soldiers with their arms, etc. We have the same account from a saylor, who was on board one of those French ships and was since taken on board a bark with 20 soldiers. One of those men of war was dispatched to Martinico, to know if the Fleet was arrived, and the said Frigat returning brought advice to the shippes that were at Tobago, that they were daily expected. The sd. sailor also says that the expedition was against this Island and Jamaica, so that you will do very well to be upon guard, as we are in this Island, the which is in very good condition to make a vigorous resistance. *Signed*, Aneau. *Copy*. 1½ pp. [C.O. 137, 45. No. 86.]

Feb. 18.
Whitehall.

766. W. Popple, jr., to Mr. Solicitor General. Encloses, for his opinion in point of law, an Act of Antigua, 1700, to enable *Robt. Freeman* etc. (See Feb. 14.) [C.O. 153, 9. p. 462.]

Feb. 18.
Whitehall.

767. W. Popple to Mr. Heysham. *Encloses* Col. Sharpe's opinion on the Act of Barbados for establishing credit, for his observations thereupon. [C.O. 29, 10. p. 398.]

Feb. 19.
Whitehall.

768. Council of Trade and Plantations to the Earl of Sunderland. *Enclose following* to be laid before H.M. *Annexed*,

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768. i. Council of Trade and Plantations to the Queen. Having receiv'd news from Governor Handasyd, that he wants 300 men to compleat his Regiment, we think it our duty to represent that it highly imports your Majesty's service that these recruits be hasten'd over for the defence of that Island. Since the expiration of the late Act of Assembly for quarters and additional subsistence for the officers and soldiers there, Col. Handasyd has been using his endeavours to induce the Assembly to make a new Act for that purpose, and is now in hopes of prevailing with them. *Recommend* Mr. Ayscough and Mr. Stewart for the Council of Jamaica. [C.O. 138, 12. pp. 64-66.]

Feb. 19. **769.** Council of Trade and Plantations to Lord Sunderland. Whitehall. *Press* for H.M. Order concerning a convoy for Virginia (*see* Dec. 20, 1706), it being very necessary that the inhabitants of that Colony, as well as the merchants here, be informed of H.M. intentions . . . in a matter of so great importance to the Revenue and the Tobacco Trade. [C.O. 5, 1362. pp. 100, 101.]

Feb. 19. **770.** J. Burchett to W. Popple. Asks for Heads of Enquiry Admiralty Office. for Newfoundland, the men of war bound thither having their orders to proceed. *Signed*, J. Burchett. *Endorsed*, Recd. Read Feb. 20, 170 $\frac{6}{7}$. *Addressed*. 1 p. [C.O. 194, 4. No. 22; and 195, 4. p. 374.]

Feb. 20. **771.** W. Popple, jr., to Josiah Burchett. Encloses Heads Whitehall. of Enquiry in reply to preceding. The Council of Trade and Plantations desire that the Commodore may return his answer relating to the fishery according to the enclosed scheme. *Annexed*,

771. i. Heads of Enquiry for the Commodore at Newfoundland. Same as 1706, with addition :—You are upon your arrival to inspect the whole stores and provisions as well in regard to their quantity as quality or goodness, and to return a particular account to the Commrs. of Trade of the disposal of the double quantity of victuals for the soldiers sent in 1705, as also of those sent in 1706, and of what shall be remaining at your arrival, *etc.* [C.O. 195, 4. pp. 374-376.]

Feb. 20. **772.** Order of Queen in Council. Convoys ordered for Kensington. Virginia and Maryland in accordance with Representation of Dec. 20, 1706. *Signed*, John Povey. *Endorsed*, Recd. Read Feb. 24, 170 $\frac{6}{7}$. 1 p. [C.O. 5, 1315. No. 44; and 5, 1362. pp. 108, 109.]

Feb. 20. **773.** Order of Queen in Council. Referring following to Kensington. the Council of Trade and Plantations for their report. *Signed*, John Povey. *Endorsed*, Recd. Read Feb. 25, 170 $\frac{6}{7}$. $\frac{3}{4}$ p. *Enclosed*,

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773. i. Petition of S. Vetch, J. Barland and R. Lawson to the Queen. Petitioners being your Majesty's loyal subjects of Massachusetts Bay were in June last unjustly accused before the General Court *etc. as in following.* Petitioners, relying upon their innocency, were desirous to be brought to their tryalls in the establish'd course of Justice, but the Assembly, instigated by the clamours and threats of a multitude of people, to take the said accusation under their own enquiry, Petitioners, after 30 days' imprisonment, were by advice of the Governor prevailed on to submit to their Judicature. The said Court immediately passed an Act for imprisoning petitioners without bayle or mainprise untill the next Meeting of the Assembly in Aug. following, when the Attorney Generall of that Province exhibited articles of impeachment against petitioners for high misdemeanour, and for want of a full legall evidence to convict them, the Assembly, overaw'd by the same unruly multitude, assumed an exorbitant power not warranted by their Charter, and proceeded to impose extravagant fines upon them by several Acts of Assembly, which are transmitted to your Majesty. *Pray* to be heard against the said Acts before H.M. declares her royal pleasure therein, and for such further relief as shall seem meet. *Copy. 2 pp.*
773. ii. Case of S. Vetch. Dureing the late peace he traded to Cannada, and has from thence bills of exchange to 800*l.* value payable in France, which were not paid before the present warr commenc'd, but the merchant, his debtor in Cannada, sent him word, that he would pay his debt in merchandize of that country, when any oppertunity should offer. In 1705 the Governor of Cannada sent one Cartemash to the Governor of New England to treat about the exchange of prisoners, but Cartemash's Commission impowering him to treat only for such prisoners as were in the hands of the French, and not for such as were in the hands of the Indians, the Governor and Councill of New England thought fitt to send one back with Curetmash to treat with the Governor of Cannada for the prisoners taken by the Indians. Vetch, speaking French very well, was pitched upon to goe. He acquainted the Governor and Councill with the debt due to him at Cannada, and offered to accept the imployment without any reward upon condition they would permitt him to bring back the value of his debt in beaver, which they readily consented to. Vetch and Curtemash sett sail with a flagg of truce in July, and arrived at Cannada in August, where Vetch executed his commission and agreed with the Governor of Cannada to forbear all hostilitys on the frontiers of New England till the last day of Feb. following, and entred upon a further Treaty

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for a totall cessation of armes between those two Governments, which the Governor of Cannada expected a confirmation of, from the Governor and Councill of New England, before the end of Feb. Vetch received his debt in beaver; but before he could ship it off a new Intendant arrived from France, with orders that noe beaver should be shipt from Canada, but in French ships directly bound for France, and the beaver was stopt from being put aboard; but his debtor told him that if Vetch would meet him in May, 1706, at Little Cancer (a place about the midway between Quebeck and Boston) and bring with him some merchandize proper for the Indian trade and fishing, he would bring his debt in beaver. The forbearance of hostility on the Frontiers till the Feb. 28, which the French observed inviolably, saved the country 10,000*l.*, as their Commissary acknowledged, besides the lives of many inhabitants there, who might otherwise have been destroyed, and the Governor and Councill were soe sensible of it, that they very much applauded his good conduct and gave him their thanks. Vetch acquainted the Governor of the disappointment he had mett with about his debt, and the proposall made to him by his debtor, and his designe of going to fetch it at the time appointed, which the Governor seemed to think reasonable, because it should be noe injury to H.M. interest to have her subjects' effects out of the enemies' hands, and those effects would produce customes to the Crown. In April, 1706, Vetch hyred a small sloop of the petitioners, Borland and Lawson, upon Charter party, and caused a small cargoe proper for the Indian trade and ffishing to be put on board. Borland and Lawson were not otherwise concern'd therein then as owners of the vessell and agents for Vetch to ship his goods. The vessell was entred for Newfoundland because Little Cancer is noe port, and within the limitts of the New England Charter, lying in Arcadia, or Nova Scotia, and inhabited only by straggling Indians, who never had any warr with the English. Vetch sett sail in Aprill, and arrived at Little Cancer upon the day prefixt, and stay'd there 20 days in expectation of the merchant from Canada; but he did not come; and the weather proving very stormy, Vetch was obliged in his returne to put into some harbour in Nova Scotia every night for safety, his vessell being but about 20 tuns burthen. The Indians and a Frenchman or two, who had married and lived amongst them, seeing the sloop, offered to truck some ffurrs for blanketts, rum and drop shott, which the smallness of his vessell and of its crew (it consisting but of 5 men), obliged him to comply with at severall places, lest they should, upon his refusall, have fallen upon him, but the whole goods

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he barter'd for, did not exceed 50*l*. He brought back all the rest of the goods he had carry'd out, and arriving at Cape Anne in New England, he put the furs he had traded for, and the rest of his goods in a boate and went for Boston. Att his arrivall there he found the General Court, or Assembly, sitting, and the people of the country in a great ferment, on the following occasion. The Governour and Councill had neglected to send a proper person to Canada to conclude the Articles concerted between the Governor of Canda and Vetch, 1705, for a totall cessation of armes between the two Governmts., but only sent a country farmer, who was not master of the language, nor of address suitable to that character, and without any orders to agree to such cessation. This exasperated the haughty French Governor, who to shew his power to doe mischeif, gave liberty to the Indians under his command to fall upon the English frontiers, which they did, and destroyed severall familys. The news of this incursion arrived at Boston a little before Vetch return'd, and because he had been at sea, on the coast of Nova Scotia in the way to Canada, tho the Indians he had bartered with there were not the Indians that fell upon the frontiers, but lived 1,000 miles distant from New England, the multitude accused him to the Generall Assembly of having supply'd the French and Indian enemies with goods. He was summoned before the House, to whom he frankly related the whole matter, and after answering some few questions, was dismissed upon giving 1,000*l*. security to appear when required. About 4 dayes after, without further examination of him, he was committed to the common prison by a warrant from the Speaker, for being vehemently suspected of tradeing with the French and Indian enemies. Then the Assembly sent for Borland and Lawson, who gave soe frank an account of the whole truth that the House dismiss'd them with thanks for their candour, yett, within a few dayes following, they were likewise committed to the common goal. Dureing their confinement, their sloop and cargoe of 500*l*. value were condemned in the Court of Admiralty, without suffering them to make any defence, or allowing them an appeal from the sentence, tho they demanded both. *Repeat preceding.* The Assembly examined as witnesses the master of the sloop and two of the mariners, whom the mobb had terrified with great threats, but their evidence, tho stretch'd and improv'd to the utmost, was soe deficient, that to gratifye the mobb, who kept them in awe, the Generall Court proceeded to convict the petitioners by Acts of Assembly, and to fine Vetch in 200*l*., Borland in 1,100*l*., and Lawson in 300*l*. besides costs. This violent proceeding arose

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from their fear of the mobb, who instigated by a party, enemies to the Govermt., scatter'd about papers, threatening to cutt them in pieces, unless they would hang up those who were accused of tradeing with the French. As a testimony that these Acts were not the result of their judgement, but of their fear, it was proposed by the Assembly before they pass'd the Acts, to send Vetch as their Agent to Canada, and after they had pass'd the Acts, it was proposed in both Houses to send him their Agent into this Kingdome, to endeavour, after an Union of England and Scotland, to procure a body of Scotts to settle in Nova Scotia. The Governor was frighted into an assent to these Acts, by the threats of the mobb to pull down his house, and accusing him as a party concern'd, but he ordered the ffines should be paid into the publick Treasury, and not to be disposed of till H.M. should signifye her pleasure therein. 3 pp. [C.O. 5, 864. Nos. 89, 89.i., ii.; and 5, 912. pp. 234-247.]

Feb. 20. **774.** Order of Queen in Council. *Referring following to*
Kensington. the Council of Trade and Plantations. *Signed, John Povey.*
Endorsed, Recd. Read Feb. 25, 1707. ¾ p. Enclosed,

774. i. Petition of William Rouse, Ebenezar Coffin and John Philips, Mariners, of Boston, to the Queen. Pray that the Acts of the Massachusetts Bay, inflicting fines upon them upon suspicion of aiding the French and Indians, *as in preceding*, may be repealed. *Copy. 3½ pp. [C.O. 5, 864. Nos. 90, 90.i.; and 5, 912. pp. 247-252.]*

Feb. 20. **775.** Col. Jenings to the Council of Trade and Plantations. H.M. commands permitting ships not ready for the last convoy to sayle without has given mee the oppertunity to acquaint your Lorps. with the peaceable state of the country, *etc.* The certaine knowledge of ye glorious victoryes obtained by H.M. arms haveing not long reached this Governmt., gave us not the oppertunity of soe early addressing as others; As soon as I could have the Council meet, a day of Thanksgiveing was appointed and observed, and since they have humbly addressed H.M. *etc.* This winter season has hitherto proved mild, and being soe farr advanced, hope the extremity is over, wch. truly is happy for the poore planters, who are in the most want of cloaths and ye fewest goods in the country that I ever knew; the apprehensions of wch. caused the inhabitants of four countys on the south side of James River to betake themselves cheifly to makeing woollen and linnen, and can supply many familys besides there own, wch. gives great encouragment. to others. Here is not any advice of the arrival of the ffeet that sayled in Sept., wch. makes the Traders and inhabitants uneasy, six of the ffeet haveing recd. damage was forced back by stress of weather, and gave a dismol account of others, *etc. Signed,*

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E. Jenings. *Endorsed*, Reed. 22nd, Read 27th Aug., 1707. *Holograph*. 2 pp. *Enclosed*,

775. i. Congratulatory Address of the President and Council of Virginia to the Queen, upon the victories in Brabant, Flanders, Spain and Savoy. Feb. 6, 1702. *Signed* by the President and 9 of the Council. *Endorsed as preceding*. 2 pp. [C.O. 5, 1315. Nos. 68, 68.i.; and (without enclosures) 5, 1362. pp. 256, 257.]

Feb. 21.
Nevis.

776. Lt. Governor Hamilton to the Council of Trade and Plantations. It is now almost five months since Generall Parke commanded me to come up and take care of this ruined Island, which I did with a great deal of chearfullness, etc. Ever since I came here I have hardly been able to make up a sufficient number of either Gent. of the Councill or Assembly (by reason of the great sickness that has attended this Island ever since the French left it, I suppose occasion'd by the hard fair, as to their diett, bad lodging and the unusuall cold blustering rainy weather wee have had for these five months past) so was uncapable to proceed upon any publick bussyness, except what was done voluntary by the well disposed people; upon the death of Phineas Andrews, and the absence of Col. Daniel Smith, Azariah Pinney and Thomas Minor, John Smargin being bedridden, and Thomas Butler refusing to serve, all of the Councill; which, I acquainted the Generall with, and desired some other might be appointed in their room to prevent further delays in publick bussyness, who order'd me to swear Thomas Belman, Lawrence Brodbelt and James Milliken, Esqs., all three (I think) as good men as any H.M. has within this Island, therefore could wish your Lordships would order them to be confirmed in the Councill. Wee begin to mend as to our health thro' out the Island, and shall do my utmost to proceed upon publick bussyness as fast as possible our mean circomstances will permitt us; wee have now order'd a detachment of negros out of the few wee have left to go on to repair the publick works, and have under consideration the raiseing of a small tax for the defraying of the encueing charges. I formerly wrote your Lordships from St. Christophers the necessity of having a certain number of souldiers fixt to each Island, for without it noe Lieutenant Governor can be answerable, they being constantly remov'd at the discretion of the Generall or Commander in Cheif for the time being, for I have not one of the Queen's regular troops now in this Island, all being carry'd up to Antigua, so that I have none but a handfull of almost spiritless people left with which the best officer or souldier in the world could do but very little or nothing; also I recommend to the consideration of your Lordships the sending of an Ingineur, which if I had for some time, I would ingage to make Charles Fort with the hills call'd the Bath, and Wignalls Hill (and if well provided) tenable longer then an enemy would be willing to stay, etc. Sir J. Jening landed here in December last 20 pieces of ordnance, which are all mounted in Charles and Black Rock Forts, with powder, ball etc.

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proportionable, cartridge paper excepted, which he had none to spare, nor I can gett none for any mony, likewise 150 musketts. Only one of H.M. bounty ships arriv'd with provissions for the poor of St. Christophers and this Island, the rest missing ; the *Speedwell* friggatt not come as yett, still a cruising to windward in hope of meeting with said store ships. Wee are under mighty apprehension of a squadron of French men of warr under Monsieur du Cass, which it's said are dayly expected in these parts, *etc.* *Signed*, W. Hamilton. *Endorsed*, Recd. 28th April, Read May 3rd, 1707. [C.O. 152, 7. No. 4 ; and 153, 9. pp. 489-492.]

Feb. 22.
Kensington.

777. The Queen to the Governor of Barbados. Whereas Manuel Menasses Guilligan has by his petition humbly represented unto us that for many years past he has been an inhabitant of St. Thomas and afterwards of Curassaw and traded with the Spanish plantations, in which trade he has met with discouragement from the privateers of Barbadoes and the Government there ; but having obtained our Gracious Letter for his discharge and Our High Court of Admiralty having ordered the restitution of his goods, he intends at present to return to Barbadoes and to settle there, and conceives he may be usefull in promoting the Trade of our subjects with those of the Spanish West Indys aforsaid. We therefore command you to suffer him peaceably to dwell there, and to trade as above-mentioned, and afford him all due encouragement, *etc.* *Countersigned*, Sunderland. [C.O. 5, 210. pp. 20, 21.]

Feb. 24.
Whitehall.

778. Council of Trade and Plantations to the Lord High Treasurer. Enclose Office accounts, Midsummer and Christmas, 1706. [C.O. 389, 36. pp. 321, 322.]

Feb. 24.
Whitehall.

779. W. Popple, jr., to Mr. Davenant. *Desires* an account of the pitch, tar and rozin imported from the Plantations since Sept. 29th. [C.O. 5, 912. pp. 233, 234.]

Feb. 24.

780. Mr. Noden, Agent for Bermuda, to the Council of Trade and Plantations. *Prays* to see the charges against Mr. Jones. *Signed*, Cha. Noden. *Endorsed*, Recd. Read Feb. 24, 1706. $\frac{1}{2}$ p. [C.O. 37, 7. No. 37.]

Feb. 24.
Whitehall.

781. W. Popple, jr., to Lord Baltimore. I am commanded by the Council of Trade and Plantations to send your Lordship the inclosed paper for your writing to Maryland thereupon, as your Lordship may see proper, and to desire that your Lordship will be pleas'd to let them have your answer to the first head contain'd in the said paper. *Annexed*,

781. i. To know how many Irish servants have been carry'd to Maryland within 3 or 4 years last past. They were promis'd a free toleration. They make proselytes of Protestant servants. William Hunter and Robert Brook to be sent out of the Province. [C.O. 5, 726. pp. 415, 416.]

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Feb. 25.

782. Mr. Wharton to Mr. Popple. *Encloses following*, to be presented when the petition of Vetch and Lawson (Feb. 20) comes to be read. Prays for notice. *Signed*, Wm. Wharton. *Endorsed*, Recd. Read Feb. 27, 1707. *Addressed. Sealed. 1 p. Enclosed*,

782. i. Mr. Wharton to the Council of Trade and Plantations. Vetch, Lawson and Boreland were highly guilty. Prays in behalf of several gentlemen that they may be heard on the matter. *Signed*, Wm. Wharton. $1\frac{1}{2}$ pp. [C.O. 5, 864. Nos. 92, 92.i.; and 5, 912. pp. 254-256.]

Feb. 25.

Whitehall.

783. W. Popple, jr., to Wm. Borrett. By order of the Council of Trade and Plantations, I send you here inclosed a letter for Mr. Solicitor General, upon letters they have receiv'd from Coll. Seymour, H.M. Governor of Maryland, relating to Papists, and to irregular proceedings of the Jesuites there. Their Lordships desire that you will procure his opinion thereupon as soon as possible, some ships being now ready to sail for Maryland, and a determination thereupon being absolutely necessary. *Annexed*,

783. i. W. Popple, jr., to Mr. Attorney General. Whitehall, Feb. 25, 1707. The Council of Trade and Plantations again (*see* July 2, 1706) desire you will let them know as soon as possible whether H.M. may not direct her Governor of Maryland to issue a Proclamation directing the two Jesuites, mentioned in enclosed extract from Gov. Seymour's letter (Aug. 21, 1706), to withdraw out of that Government by a stated day. [C.O. 5, 726. pp. 416, 417.]

Feb. 27.
St. James's.

784. Order of Queen in Council. Referring to the Lord High Treasurer for his opinion the Representation of Jan. 14 touching the $4\frac{1}{2}$ p.c. in Barbados. *Signed*, John Povey. *Endorsed*, Recd. Read March 3, 1707. $\frac{3}{4}$ p. [C.O. 28, 9. No. 92; and 29, 10. p. 399.]

Feb. 27.
Bermuda.

785. Lt.-Gov. Bennett to Mr. Popple. A vessell touching in here from Virginia, bound to Barbados, gives me the opportunity of acquainting you that yesterday I received letter of Aug. 30, *etc.* with enclosures, including copies of letters from Mr. Nelson and Mr. Jones (June, 1706), both which I doubt not but to answer to satisfaction. What I conceive is meant most mischievous in Mr. Jones his letter is in his 18th paragraph, whereby he would insinuate great imbezlements have been made of H.M. stores, which I hope makes noe impression; for I have a better regard for my life and reputation than to be guilty of such a crime, besides, he does not charge me knowingly, but as he is informed: methinks he being (as he says) sworn to preserve H.M. stores, ought in consideration of such his oath, and as being one of H.M. Patent officers, to have immediately come and acquainted me when he had been soe informed. True it is, I have lent to severall vessells outward bound a barrell of powder when none has been

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to be bought, and have taken the Masters' and owners' obligation to returne it again, which I concluded was for H.M. service, for the powder sent here from the Tower is old, all the barrells being mark't with King James his marke, and when that has been return'd in which was soe lent, I ordered it to be opened and inspected. As for Capt. Nelson his rediculous account of passages which he says is convenient for H.M. service should be known, I say, true it is, that a vessell did goe with prisoners to Martinique, but doe not know nor believe she brought back any French commodities as he alledges, for when she arrived, the searcher went on board and made returne, he could find nothing but a few bottles taken in for sea store, and as for my goeing for a tast, I solemnly protest I never was on board that sloop in my life; but if I had gone with that company he mentions and had tasted plentifully, I hope it cannot be thought it could have influenced us (as he calls it) to have stript and exposed ourselves to the sailors; neither was I ever at any such mirth as dancing naked. Sir, I am advised from Barbados that by the packet boat that arrived there in Nov. last, I had letters which were put on board a sloop bound heither, which ffoundered att sea, the men saveing themselves in their boat, and went back to Barbados, being about 5 leagues from thence when the vessell sunk. I mention this to intimate that if any letters were sent to me between the dates of their Lordships' of May 31 and Aug. 30 (being the latest date I have received) or of any date to November, they I conclude miscarried as before. I shall not add any more now, but refer my answeare to all allegations and complaints against me to my letter to their Lordships, which I am preparing, etc. *Signed*, Ben. Bennett. *Endorsed*, Recd. 2nd, Read 5th June, 1707. *Holograph*. 3 pp. [C.O. 37, 8. No. 10; and 38, 6. pp. 268-271.]

Feb. 27. **786.** Remarks upon the trials of Mr. Vetch etc. Recd. from Mr. Vetch, Read Feb. 27, 170⁶. 1 p. [C.O. 5, 864. No. 93.]

Feb. 27. **787.** W. Popple, jr., to Mr. Borret. Encloses letter to Mr. Whitehall. Attorney General, enclosing Orders of Council, Feb. 20, and papers relating to the case of Vetch and Rouse. The Council of Trade and Plantations desire your opinion, (1) Whether the Governor, Councill and Representatives of the Massachusetts Bay, which together compose the General Assembly, have a power granted them by Charter to try and punish by fine offenders in case of misdemeanor, and that without verdict of Jury, but immediatly by themselves in their Legislative capacity, and by Acts or Laws made in their Assembly after the offences committed. (2) Supposing that a power is granted them by Charter, whether is it unlimited and arbitrary without a *salvo contenemento*, or whether the fine to be imposed is to be moderated and restrained to the condition, circumstances and abilities of the persons offending. For example, in the present case, Rouse is fined 1,200*l.*, which is alledged to be more than he is worth, and if he should be detained in prison till he has paid his fine, he must

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lose his liberty during life. (3) Whether it will be advisable for H.M. to confirm the aforesaid Laws, the like whereof have never been enacted heretofore in that Province, lest the introducing and establishing such a new precedent be attended with dangerous consequences and inconveniences for the future in that and the other Plantations. (4) In case H.M. shall think fit to repeal those Acts, and consequently vacate the fines imposed by them, whether may not the offenders be tryed over again in the ordinary course of Law, either by Commission of Oyer and Terminer, or by some other method, and what will be the best method for bringing to condign punishment such as by a legal tryal shall be found guilty of the crime they are charged with, which is no less than trading and corresponding with H.M. declared enemies. [C.O. 5, 912. pp. 257-261.]

Feb. 28. **788.** Account of pitch, tar and rosin imported from the Custom-House. Plantations, Michaelmas—Christmas, 1706. Pitch and tar:—London 186 last, 8 barrels. Outports 152 last, 9 barrels. Rozin:—35 cwt. 1 qr. *Signed*, Charles d'Avenant. *Endorsed*, Recd. Read March 3, 1707. $\frac{3}{4}$ p. [C.O. 5, 864. No. 163.]

March 1. **789.** The Queen to Governor Crowe. Warrant for the admission of John Holder into the Council of Barbados. *Counter-signed*, Sunderland. [C.O. 5, 210. p. 22.]

March 3. **790.** Sir H. Ashhurst to the Council of Trade and Plantations. In the Quakers' petition [Jan. 27], they have falsly recited the powers in the Charter of Connecticott. There is not one president of any laws sent over to the Queen or her Predecessors since the said Grant, to confirm or disallow any Laws made in that Colony. They give some scraps of Laws, without mentioning what went before or followed after what they object against. There are not above seven Quakers in that Colony. *Prays* for delay, till an answer be received from that Government. *Endorsed*, Recd. Read March 3, 1707. $\frac{1}{2}$ p. [C.O. 5, 1263. No. 138.]

March 3. **791.** Council of Trade and Plantations to the Earl of Whitehall. Sunderland. Enclose following.

791. i. Council of Trade and Plantations to the Queen. Recommend W. Hilton and J. Smith for the Council of New Hampshire. [C.O. 5, 912. pp. 318, 319.]

March 6. **792.** Governor Seymour to the Council of Trade and Plantations. Acknowledges letter of Feb. 4, 1706, which if it had sooner come to hand, might have been done by the last fleet from Virginia and Maryland. It was by a great chance I got severall of my letters by the *Greenwich*, Capt. Jesson, for they were left in a punch-house at Kiquotan in Virginia for near 6 weeks, and by accident a gentleman of this Province happening to be down there, to take leave of his friends bound for England in the Fleet, which sayl'd not before Sept. 17, saw them and brought them up to me, with many other pacquets from the merchants in

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England relating to the trade here, which otherwise might have layne untill this time. Att present I have only been able to acquaint the Gentlemen of H.M. Councill with your Lordships' letter, and upon perusal of the report and H.M. Order to re-enact a Law for the further suspending the prosecution of Romish Priests etc. (incurring the penalties of the Act of Assembly here) until H.M. pleasure signified therein, the Councill did advise, that whereas at this time the planters are very busye getting in their cropps of tobacco, and the season of the year very late, and that in regarde the Law now in force for such suspension will not determine untill next year, when there will be a necessity to meet the Assembly early in the spring, that then those H.M. royal commands be layed before them to be answered by re-enacting such Laws as H.M. has been graciously pleased to direct. At which time also I shall, God willing, take their advice as to the Quakers contributing to the charge of the Militia, and that other important matter of itinerant Justices, towards which the Councill and myselfe have only essay'd to forme some schemes, tho not so correct as to render them worthy of being presented to your Lordships. Your Lordships are pleased to inquire by what authority I consented to the selling of two criminals, to Barbadoes. As to Benjamine Celie, he was an outlyer and associate of Richard Clarke, who for felony and treason stood outlaw'd by Act of Assembly of this Province, and having been taken and comitted to gaole, as both principall and accessary in Clarke's treasons and felony, to witt, coining of money current here by H.M. royal Proclamation, and riding armed in terror of the good people, assaulting the Constable in the execution of his office, by the assistance of Humphrey Hernaman, who confest he gave him a file, gott of his irons, and one Dennis Macartee a burglar's, and above all the irons of one Nicholas a French Indian christned by a Romish Priest, who was taken and comitted for carrying away and scalping an English man and woman on the frontiers of Potomeck, and had actually the poor man's knife and pouch found upon him, the said Benjamin Celie broke the prison, whereby all the prisoners wholly escaped, but himself was happily retaken, and upon a fair tryall convicted, and had judgment to dye : upon which the Assembly then sitting prayed he might be transported to Barbadoes ; and for as much as the publique were at the charge of his imprisonment and prosecution, and that there is an Act of Assembly directing how the country shall be reimbursed the expence of such criminall fees, to witt, by their servitude, H.M. Councill advised that Celie should be sold for any terme not exceeding 7 years, in order to reimburse the Province of the charge they had been at upon his account. In June following, Humphry Hernaman had his tryall, and confessing the fact, saying his mistress Rachel Freeborne, Richard Clark's mother, had perswaded him to give Celie the file, had judgment to be imprisoned during H.M. pleasure. To prevent the charge of which imprisonment, the Councill and myself considering that in case H.M. should pardon him the imprisonment, yet by the Act of Assembly he was lyable

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to make satisfaction to the country for the charge thereof, advised that, as he had been guilty of aiding Celie to break prison, he should be likewise sent along with him and sold for the same terme, in order to reimburse the charge of his prosecution and imprisonment, which was considerable, he having been convicted on two other indictments in the Provincial Court. If I have not acted so regularly as I should herein, I assure your Lordships it has been altogether out of mercy and compassion, in favour to life and liberty, both of them being young men, and not of any sinister end. I understand Sir Thomas Laurence, H.M. Secretary of this Province, who upon his going hence assured me of his friendship and service, and whom I thought I had obliged not only by my civility to his person but true reguarde for his interest, as to his office, and comiseration of his unhappy circumstances, has very unworthily represented me to some of your Lordships, and other noble persons, and therefore because I would not lye under the imputation of an ill-natured person, I begg your Lordships will excuse the trouble of the inclosed Representation from the Councill here, who having been upon the spott are best sencible how well or ill I have deserved from that Gentleman. I have lately received H.M. commands in favour of the merchants whose shippes were intended for this country to load with Tobacco, but might not happen to gett ready to save the *Greenwich's* convoy, that I should suffer them to sayle as they could be ready unless another convoy should offer in some convenient time, which I shall take due care to complye with. That I may not be thought negligent of the least of your Lordships' commands, I presume to acquaint you I had sooner answered your recommendation in favour of Mr. Dummer and the packet-boats, but that I thought it advisable to see how farr the Assembly would contribute to promote so good a designe, and therefore referred it untill their next meeting, tho I cannot adventure to say with any greate expectations, considering how backward I found them in settling posts. I received a letter from Sir C. Hedges, May 16, confirming the welcome news of the glorious victory *etc.*, whereupon wee had a solemne day of thanksgiving sett aparte, and renewed our rejoycing on that happy occasion in the best manner wee were capable; by which all H.M. good subjects here were made sencible of the great success which it has pleased Allmighty God to bless H.M. and the Confederates; But having no comerce with Jamaica, or the Spanish Settlements, am not able to acquaint them therewith. But when ever I have any opportunity, your Lordships may be assured of my ready obedience. *P.S.*—I expected this letter would have saluted you by the convoy to the mast-fleet, of which Col. Quarry gave me some hopes, but his expectations and myne too were frustrated by their speedy departure. Very lately I have an account that Benjamin Celie is returned to our neighbouring Province of Pennsilvania, and have reason to believe Hernaman may be there too. *Signed*, Jo. Seymour. *Endorsed*, Recd. June 30, Read July 2, 1707. 6 pp. *Enclosed*,

792. i. Representation of the Council of Maryland in answer to the complaints made by Sir T. Lawrence against

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the Governor. (1) He has insinuated to sundry noble personages in England that H.E. hath put many difficultys upon him, obliging him to give an unreasonable security to William Bladen for the payment of a Taylor's Bill with interest equal to the principal. H.E.'s interposition in this matter was altogether in his favour, *etc.* (2) His complaint that H.E. and the Council had put Bladen, an Attorney retayned against him, into possession of all his fees and perquisites of office, is only a colourable pretence of hardship *etc.* Deny and refute other charges, *etc.* *See Minutes of Council. Signed, Jno. Hammond, Edwd. Lloyd, Wm. Holland, James Sanders, Thomas Tench, Robert Smith, Will. Coursey. Endorsed as preceding. 4 pp.*

792. ii. Deposition of Mr. Bladen in support of preceding. *Signed, Wm. Bladen. Endorsed as preceding. 3 pp.*

792. iii. Certificate of Mr. Bordley that he finds no record of any order relating to Sir T. Lawrence's or Mr. Carroll's claims to the perquisites of the Land Office since H.E. arrival. *Signed, J. Bordley, Clk. Sec. Office. Endorsed as preceding. 1 p. [C.O. 5, 716. Nos. 28, 28.i-iii.; and (without enclosures) 5, 726. pp. 446-453.]*

March 8.
Jamaica.

793. Governor Handasyd to the Council of Trade and Plantations. Acknowledges letter of Nov. 12, and Dec. 13, 1706, *etc.* As to your Lops. taking notice that the severall Governors of H.M. Plantations do enclose their letters for your board to their respective Agents in London, *etc.*, I can answer for myselfe that whatever letters I have writt to your board have been directed immediately to your Lops., and not put under covert to any private person. I heartily thank your Lopps. for the care you have taken in relation to our recruits, and must still begg the favour of you to interceed for me with the Gentlemen Comptrollers of the Army, who I think deal harder by my Regiment than I ever knew done to any, they not allowing the dead men's pay for the recruiting of my Regiment as other Regiments have. The objections they make to it seem chiefly to be because I have not according to the rest of the army mustered compleat. My Lords, I take my case to be quite different, we being so far distant from England, have not an opportunity of sending over officers to raise recruits, they have so many hazards to run, besides that in raising them, for no man will list to come to Jamaica, so that there is no way I can think of to recruit my Regiment but by draughts out of others, and in case I should muster my Regiment compleat, H.M. and her Generalls might reasonably believe I have 800 men when I have but 500 men to defend the Island, by which means the Island may be lost if any attempt should be made by the enemy, and I loose my honour, which I value above all the world. And for these weighty reasons I have never admitted one man to be mustered but what was alive and upon the spott, and did always beleive the dead men's pay was safer in H.M. Treasury

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to pay for such recruits as were sent me than in any man's hands that I could employ. My Agent tells me that the twopences for every dead man must be stopt out of the Captain's subsistence or arrears, altho every recruit that is sent must have cloathes bought for him, as well as these that are actually in the Regiment ; if so, I must acquaint your Lops. that they had better send so many black Boxes for every Captain to strangle himself according to the custom of the Ottoman Government, for it is as much as they are able to do to support themselves like Gentlemen with H.M. pay, and the allowance of the country, without any such severitys being put upon them ; and since it cannot be supposed that I had any other designe in not mustering compleat, but that H.M. and the Generall Officers should know the true state of my Regiment, I hope neither myselfe nor the Gentlemen under my command will be sufferers thereby. Your Lorps.' favour in getting my officers an order for a draught of 300 men out of other Regiments, and that they may be paid for out of the dead men's pay, and be allowed for them as H.M. shall think fitt, I earnestly request, for fear any attempt should be made against the Island, we having advice of a French Fleet in the West Indies, all line of battle ships. The Captain of the packett-boat gives an account that on Jan. 19 he saw 18 sail of large ships in the latitude of 37, 200 leagues West from the Lizard, steering to the South Westward, one of which had a Flagg on the main top masthead, which we suppose to be the Fleet now in these parts, and by advice from the Spaniards is commanded by Monsr. du Casse. If their designe is against this place they shall find that we will not part with the honour of H.M., and the welfare of Old England, while we are able to hold a sword in our hands, and I doubt not but care will be taken to send speedy succours. The Spanish Galleons are in so bad condition that there cannot above six of them leave the West Indies, very few Spanish merchants will venture their mony in them, and the pretended King has not much to receive. Here has been lately a great alteration made in the Spanish Governments, those Governors who were supposed to be in the interest of King Charles are turned out, and their places supply'd by others in the French interest. Sir John Jennings sailed for England Feb. 25, three days before the packett boat arrived. The reception he met with from the Spaniards was very cold, as he will fully inform your Lorps. on his arrivall, they having lately received news from Old Spain of great success the Duke of Anjou's arms had over those of King Charles. Our Assembly, after sitting 5 months and some days, was prorogued, and upon their prorogation was dissolved, that their creditors might have an opportunity of recovering their just debts, but the chief reason was their pretending to have power to adjourn themselves for weeks or months as they thought fitt without leave from me, which never was before known in these parts, and thinking it an entrenchment on H.M. Royall prerogative, did therefore shew my resentments by dissolving them, which I hope will be approved of. I do not know what methods to take with the next Assembly, unless H.M.

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will lay Her commands on them not to tack severall Bills together, for notwithstanding my shewing them H.M. orders to me not to pass any Laws of an extraordinary nature, yet, to the Quartering Act for this year they have tack'd severall other Laws that I should never have pass'd but to preserve the soldiers from starving, and they have often refused any conference with the Councill on them, calling it a Mony Bill (tho in my opinion it is not properly so) which your Lorps. will see by the Minutes of the Council. One Bill which they called an Explanatory Act, the Councill rejected, another they called Fee Bill I rejected till H.M. pleasure is known, there being sufficient Laws made for 21 years for regulating all Fees of Offices, but their reason is that the proffitts should be so small that no Englishman shall be able to hold any office, that they may get all into the hands of the Creoles, tho not many of them are qualified for such employments, but will be able to support them by their estates till they have an opportunity of altering the Laws to their own advantage. The Grand Court is now sitting and has brought before it near 900 causes, which number exceeds a third part of the white people in the Island, H.M. Forces excepted, by which the ill temper of the people is plainly seen. The squadron of men-of-warr under Commadore Kerr is in health, as is the Island in generall, but very thin of people. Our trade with the Spaniards is very dull, as well for the want of goods, as on account of the noise of a French Fleet being in these parts. I send the Acts of the last Assembly with the Minutes of the Councill and Assembly. I have a certain account that the Galleons cannot be in a readiness to sail in less than six months *etc.* *Signed*, Tho. Handasyd. *P.S.*—I did endeavour to have a state made of the Fee Act, but find I cannot have time. One observation I shall make, that where it has been since the settling of the Island 5*l.* for every naturalization, they have reduced it to nothing, and likewise every pardon; For every Act they pass, the Queen is to pay out of the Treasury 20*s.*, tho they would not admitt any man to take an oath relating to the payment of his Quitt-Rent, which would have been a great advantage to the Treasury, yet they are willing to take all they can from it. There is not any mony in the Treasury, nor has myselfe nor any officer, that is paid out of it, received a penny these twelve months, it being a great part of their policy to make H.M. believe they are very poor. *Endorsed*, Recd. 24th, Read 29th April, 1707. 5 *pp.* [*C.O.* 137, 7. No. 42; and 138, 12. *pp.* 79–83.]

March 11.
Whitehall.

794. Council of Trade and Plantations to Governor Handasyd. *Acknowledge* letters of Oct. 25, Nov. 19 and Dec. 27, 1706. We approve of what you writ to the Spanish Governors upon the attempt made by the French upon Nevis and St. Christophers of the designs of the French in those parts; and we doubt not, by what you write, but it will be of service to H.M. and the King of Spain. We are glad you are satisfy'd to continue at Jamaica till H.M. shall think fit to relieve your Regiment, and we assure ourselves that your continuing there (considering your knowledge

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of the people and your zeal for H.M. service) will be of advantage to that Island. We have laid before H.M. by a Secretary of State what you have writ us about the want of recruits for your Regiment, and of men for Commadore Kerr's squadron, so that you may expect to hear of H.M. pleasure upon those particulars. You will have perceived by our letter of Dec. 13, that the Act *to provide an additional subsistence etc.* has been repeal'd, and in that you will also conclude that your behaviour with relation to the Scotch and other foreigners has been approv'd. And as to Scotch men, that distinction will now cease, by an Act pass'd here for an entire union of the two Kingdoms. We think you are much in the right to refuse the passing the three Acts you mention Nov. 19, 1706, as derogatory to H.M. royal prerogative, and we have only to advise you to continue to be watchfull upon all occasions, that you do not give your assent to any Acts, which may in any wise interfere with H.M. prerogative, or may be prejudicial to H.M. service and the good of the Island. We have recommended Mr. Ayscough and Mr. Stewart to H.M., to be of the Council *etc.* We hope by your present management the Assembly will be brought to a better temper than hitherto they have been, and that they will shew their duty to H.M. by granting the officers and souldiers such quarters as may be proper, that they may not be expos'd to the ruin of their health for the want thereof. [*C.O.* 138, 12. *pp.* 66-69.]

March 11. **795.** Council of Trade and Plantations to Col. Sharp,
Whitehall. President of the Council of Barbados. *Acknowledge* letter of Nov. 28. We observe what you write of your intentions to swear Mr. Raynes Bate of the Council in the room of Mr. Merrick deceased. But as we have been informed that he is an Agent of the African Company, we send you a Clause of the Act *to settle the trade to Africa*, whereby you will perceive that all Factors, Agents *etc.* for the said Company are prohibited from being Judges in the Plantations, under the penalty of 500*l.* And whereas Counsellors in Barbadoes are Judges in cases of Equity and Error, you should have taken care that nothing be done therein contrary to Law. As you have been without doubt inform'd of the death of Sir B. Granville, and of H.M. having appointed Mitford Crow, Esq. to succeed him in that Government. We expect his arrival with you before this letter, so that you are then to assist him in H.M. Council for the better carrying on H.M. service under the present difficulties, especially those relating to paper money, which you own to be so destructive of trade and of the credit of the Island. [*C.O.* 29, 10. *pp.* 400, 401.]

March 11. **796.** Council of Trade and Plantations to Governor Parke.
Whitehall. *Acknowledge* letters of Oct. 5, and 31, and Dec. 9. We have laid before H.M. your want of stores and a man of war, and your account of the sickness at Nevis; upon all which you may expect directions, when any determination is had thereupon. In the meantime, you will have perceived by our letter of Dec. 19,

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what care has been taken in providing and sending stores of war for the Islands under your Government. We think it will be for H.M. service that you move the respective Assemblies to settle a salary upon an Attorney General, out of levies to be raised in each respective Island. And we take notice that neither the Attorney General or Solicitor General of Barbados have any salary from hence. We informed you Dec. 13, that we had represented to H.M. our opinion that Col. Hamilton be confirmed Lieut. Governor of Nevis, and Col. Lambert, Lieut. Governor of St. Christophers, according to your desire; but as yet no determination has been had thereupon, Col. Smith being likewise a candidate for Nevis. We have sent to the Attorney General what you writ us upon Mr. Pogson's killing Col. Johnson, for his opinion what H.M. may fitly do in that matter, we being sensible of the barbarity of that murder, and as soon as we receive the same, we shall lay it before H.M. Your putting Major Panton and Mr. Willet into the Council of St. Christophers is not pursuant to your Instructions, for you are required thereby not to admit any into the Council, till it happen that there be less than 7 residing upon the Island; and as it appears by our lists (a copy whereof is here inclosed) there were 10 Counsellors when these two persons were appointed, which ought not to have been done. We desire therefore that your Instructions may be your guidance in all future occasions of the like nature. The article of your Instructions which requires you to send over a list of the names of 6 persons to supply vacancies that may happen in the respective Councils, is to be understood that you are to send the names of 6 persons whom you shall esteem the best qualified for that trust. So that we cannot conceive any difficulty in your complying therewith, and therefore we shall expect the said list accordingly. And whereas you say you would have turned out the Justices that were of Mr. Pogson's Jury, and Pogson too, we may acquaint you that you have power to displace Justices, if you see cause, transmitting to us your reasons for so doing, as you will find in your Instructions. *P.S.*—Having under our consideration the Acts passed at Antigua and St. Christophers for your house rent, we conceive that, as well in respect of some faults in the drawing, as for that the sums thereby given are too great, those Acts are not proper for H.M. approbation. By the Antegoa Act (as it is penn'd) you may continue to claim the summe thereby given, in case it should happen that you reside upon that Island, tho you cease to be Governor, and the St. Christopher's Act being made for the time of your Government, you may also claim the sugar given therein, tho' you do not actually reside upon that Island. As to the summe, you may take notice that the Governor of Barbados has but 300*l.* sterling per annum allow'd for house rent, and we expect that a proportionable allowance be your measure. [*C.O.* 153, 9. *pp.* 463–467.]

March 13. **797.** Mr. Dummer to Mr. Popple. Sailings of the *King William* packet-boat. Out and home, Liverpool to Barbados
London.

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and Plymouth, 112 days. Nothing extraordinary comes from thence, saving a generall opinion that the Spanish galleons will not stir from Cartagena till better advices from Old Spain or orders from King Philip, whom they declare to owne; that there hath been no silver brought from Lima to Panama, nor no goods from Cartagena to Porto Bello; that the galleons are unrigg'd, laid up, and would not be ready in 8 months, whensoever they went about it. Sir John Jennings and Commodore Kerr were upon the coast of Cartagena, when the packet-boat came away (*i.e.* Jan. 30). *Signed*, E. Dummer. *Endorsed*, Reed. March 15, 1707. 1 p. [C.O. 323, 6. No. 29.]

March 13. **798.** Council of Trade and Plantations to the Earl of Whitehall. Sunderland. Enclose following to be laid before H.M. *Annexed*, 798. i. Council of Trade and Plantations to the Queen. Upon Lord Cornbury's proposal, recommend that William Lawrence be removed from the Council of New York, and that Col. Wm. Peartree be appointed in his stead. [C.O. 5, 1121. pp. 16, 17.]

March 14. **799.** W. Popple to Sir John Cook, Advocate General. *Encloses* extracts from Governor Dudley's letter relating to drift whales (Feb. 1), and the Justices invading the Admiralty in those parts. The Council of Trade and Plantations desire your opinion what may be done therein as soon as possible, their Lordships designing to write to him by the ships now upon their departure for America. [C.O. 5, 912. pp. 319, 320.]

March 15. **800.** Commissioners of the Victualling Office to the Council of Trade and Plantations. Enclose following. *Signed*, Tho. Colby, Ken. Edisbury, Tho. Bere, Tho. Reynolde. *Endorsed*, Reed. Read March 18, 1707. 1 p. *Enclosed*, 800. i. Extract of letter from Major Lloyd to the Commissioners of the Victualling Office, Newfoundland, Nov. 18, 1706. I found that Lt. Moody had disposed of the bread, which the pursers had reckoned not fit for the service, to the inhabitants in the time of their extremity, for which they paid him at the rate of 40s. per cwt. and for the 11,000 and odd hundreds of meal at the rate of 16s. per bushel, so that he has left none of the bread nor meal, tho his bills were answered by your Board in England, by his pretending to have bought bread here to make good the same, which I do assure you he did not, but says he had 6,000 weight of bread in the harbour, which the French burnt, Jan. 21, 1704, whereas he drew his bills on you Oct., 1704, *etc.* 1½ pp. [C.O. 194, 4. Nos. 23, 23.i.; and 195, 4. pp. 377-379.]

March 17. **801.** Council of Trade and Plantations to the Earl of Whitehall. Sunderland. Enclose extracts from Gov. Dudley's letters, Oct. 2 and 8, relating to Nova Scotia and driving the French

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out of Canada, to be laid before H.M. [C.O. 5, 912. p. 320.]

March 18. **802.** W. Popple to Sir H. Ashhurst. Encloses extract
Whitehall. of Governor Dudley's letter, Oct. 2, relating to the Mohegans.
[C.O. 5, 912. p. 321.]

March 18. **803.** Council of Trade and Plantations to the Lord Bishop
Whitehall. of London. Having received the inclosed deplorable letter
from Mr. Jackson, we have given him some immediate assistance,
and desire your Lordship's favourable consideration for some
small living, to preserve himself and family from starving. [C.O.
195, 4. p. 379.]

March 18 **804.** Address of the House of Commons to H.M. for a grant
and 21. in aid of Nevis and St. Kitts, and H.M. consent. *See Journal*
of H. of C. *Endorsed*, Read March 21, 1707. 1½ pp. *Enclosed*,
804. i. Proprietors and Merchants of Nevis and St. Kitts
to the House of Commons. *Pray* for relief of the
Islands damaged to the extent of at least 500,000*l.* sterl.
by the French raid, Feb. and March, 1706. *Printed*.
1 p. [C.O. 152, 6. Nos. 78, 78.i.]

March 18. **805.** Proprietors of Plantations in Nevis and St. Christophers
to the Earl of Sunderland. Propose 29 persons to be of a
Commission to enquire into the losses there. *Pray* that, upon
a Treaty of Peace, H.M. will insist upon retaining the French part
of St. Kitts. *Signed*, Jos. Jory. *Endorsed*, Answd. March 21,
1706 (7). 1 p. [C.O. 152, 39. No. 113.]

March 18. **806.** Mr. Lowndes to Mr. Popple. The Earl of Sunderland
Treasury having transmitted to my Lord Treasurer the Report *concerning*
Chambers. *Mr. Penn* (Feb. 5), my Lord Treasurer conceives that the Council
of Trade and Plantations are the most competent Judges of
what may be a reasonable compensation. He prays them to
reconsider their said report, and let him have a state of the
advantage the Crown will receive, and what may be a fitting
recompence to Mr. Penn. *Signed*, Wm. Lowndes. *Endorsed*,
Reed. Read March 18, 1707. *Addressed*. 1½ pp. [C.O. 5,
1263. No. 143; and 5, 1291. pp. 459, 460.]

March 18. **807.** W. Popple, jr., to George Granville. *Encloses* extract
Whitehall. of letter from Capt. Lilly (Jan. 1st), and asks for the papers
therein referred to. [C.O. 29, 10. p. 419.]

March 18. **808.** G. Granville to W. Popple. *Reply to preceding*. I
sent all my brother's papers, of the kind referred to, to the Board
of Ordnance. *Signed*, G. Granville. *Endorsed*, Reed. Read
March 19, 1707. *Holograph*. 2 pp. [C.O. 28, 9. No. 96;
and 29, 10. p. 420.]

March 18. **809.** Council of Trade and Plantations to the Earl of
Whitehall. Sunderland. *Enclose* copies of Col. Sharpe's letters (Jan. 2 etc.),

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whereby it will appear to H.M. the great necessity there is of a speedy redress in those affairs, which may very much endanger Barbados. *Enclose* copy of letter from Governor Park. One of the store-ships intended for Nevis and St. Kitts is taken by the French, which will require to be replaced. [C.O. 29, 10. p. 418.]

March 19. **810.** W. Popple, jr., to Capt. Moody. Encloses copy of Whitehall. Major Lloyd's charge, March 15, for answer in writing. [C.O. 195, 4. p. 380.]

March 20. **811.** Order of Queen in Council. The Earl of Sunderland Kensington. is to receive H.M. directions concerning recruits for Jamaica. [Feb. 19.] *Signed*, John Povey. *Endorsed*, Reed. Read April 18, 1707. 1 p. [C.O. 137, 7. No. 38; and 138, 12. pp. 74, 75.]

March 20. **812.** Two orders of Queen in Council. John Ayscough Kensington. and John Stewart to be admitted to the Council of Jamaica. *Signed and endorsed as preceding.* 3 pp. [C.O. 137, 7. Nos. 39, 40; and 138, 12. pp. 75-77.]

March 20. **813.** Two orders of Queen in Council. Appointing (1) Kensington. Joseph Smith, (2) Winthrop Hilton to the Council of New Hampshire. *Signed*, John Povey. *Endorsed*, Reed. Read July 9, 1707. 3 pp. [C.O. 5, 864. Nos. 185, 186; and 5, 912. pp. 373, 374.]

March 20. **814.** Order of Queen in Council. Wm. Lawrence is re- Kensington. moved from the Council of New York and Col. Wm. Peartree is to be admitted in his room. *Signed*, John Povey. *Endorsed*, Reed. Read July 9, 1707. 1½ pp. [C.O. 5, 1049. No. 39; and 5, 1121. pp. 77, 78.]

March 21. **815.** Sir John Cooke to the Council of Trade and Plantations. Doctors' Commons. I conceive that the Proceedings of ye Justices in New England, as represented in Coll. Dudley's letter (Feb. 1, 1708) are very irregular; and not only invasive of the Admiralty Rights and Jurisdictions but contrary to the duty of their offices, considering that in the most of the Admiralty Commissions the Civil Magistrates are required to be assisting to the Admiralty Jurisdiction. If the Governor is not by his Patent sufficiently authorized to restrain each Judicature within its proper bounds, I am of opinion, that by Appeals, wch. will receive their final determinations here, the same may be fixed: unless a representation from the Governor to H.M., and H.M. Letters thereupon, may be thought a more effectual and compendious method. *Signed*, J. Cooke. *Endorsed*, Reed. Read March 23, 1707. *Addressed. Sealed.* 1 p. [C.O. 5, 864. No. 164; and 5, 912. p. 321.]

March 22. **816.** The Queen to Governor Handasyd. Whereas complaint Kensington. has been made of great irregularitys and disorders in relation

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to the delivery of letters sent to Barbados by the packet-boats set up for that purpose, whereby our subjects are not only deprived of the benefit we were graciously pleased to intend them, but do also suffer great prejudice in their trade and estates; And our Postmaster[s] General, for the better preventing these inconveniencies for the future, having appointed William Bignall to be their Deputy there, to receive all such letters and take care of the delivery thereof, we command you that he be not molested but have all fitting assistance and that no other person intermeddle with the receipt and delivery of letters, *etc.* *Countersigned, Sunderland. [C.O. 5, 210. pp. 24, 25.]*

March 24.
Barbados.

817. Col. Sharpe to the Council of Trade and Plantations. According to what I had ye honor to write, Feb. 9, ye Council proceeded to take into their consideration the behaviour of Col. Wm. Cleland, in petitioning and endeavouring to terrify ye Assembly from acting as such, altho' ye Council had before upon a Petition, preferred to them by him, dismissed ye same, and declared ye Assembly legal, and even himself consented to their being sworn. And that House giving the Council several reasons for their resolves against him, I was of opinion that H.M. service did require Coll. Cleland should be immediately suspended from the Council, and so were two others, and all the Members (but one, who voted him deserving a high censure, but not suspension) voted that he deserved suspension. But there being an equality of voices between suspending him immediately and waiting for H.M. previous pleasure upon a just representation (he being a Member of the Government), he still continued to sitt. But this lenity and moderation was so far from influenceing him to desist from his violent courses, in disturbance of the publick affairs, that he continued to take most unwarrantable freedoms to abuse and vilifye ye Government here in ye most notorious manner, not omitting menaces and subtle insinuations of his pretended great favour with the expected Governour. These outrages have obliged the Council to suspend him from their Board, which with the reasons your Lordships will find in the Minutes of Council, I now transmitt. The Council were also of opinion that Coll. John Holder for his behaviour at ye late Court of Oyer and Terminer, an account of wch. I did myself ye honor of sending to your Lordships, should be removed from all military posts. The command of a Regiment of Horse being vacant by the death of James Colleton Esq., the Council have conferred it upon John Frere, Esq., a Gentleman of a very good estate, sense and courage, the former Lieut. Coll. Prideaux and Major Robert Vaughan of ye said Regiment having been concerned in ye same factious application with Coll. Cleland to ye Assembly, to deterr them from acting, and the said Lieut. Coll. neglecting also, tho' in very good health and at leisure to visit that day, to appeare at ye general review I lately made of all the fforges. The Council have also desired me to give the command of the Regiment of which Mr. Holder was lately Coll., to Robert Yeamans, and that of the Regiment lately commanded

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by Coll. John Wiltshire decd. to Henry Peers, both Gentlemen of good estates and other qualities; ye former Lieut. Colonels and Majors of ye said Regiments having been concerned in the same fractious protesting against the Assembly *etc.* Your Lordships will find by ye Minutes of Council now transmitted, that this Government hath settled a Cartel with that of Martinique. The reasons wch. chiefly moved us to it were not only in compassion to our poor inhabitants who had been so many yeares prisoners there, but also that few sailors in the Northern Colonies could be prevailed with to venture hither, well knowing that we had no Cartel, and that in such case, if taken, they must be sent away to Europe, to the utter ruine of their families in America. These feares, not in themselves groundless, has so general an influence that very few vessells came hither from thence, and such as did had been obliged to enter for another port, which layd us lyable to many inconveniencies. The method of guarding ye coasts by ye Militia of this place having been found a heavy burthen upon the poorer sort of our inhabitants, and ye occasion of driveing severall of them off the Island, I have lately passed an Act for taking off that grievance, provision being made in the same for effectual guarding ye coasts dureing ye warr, in a manner the least burthensome to the people, and at the same time secure against any surprize from an enemy, as by ye Act sent your Lordships will appeare. The Assembly having been above two months convened, I did hope ere this to have prevailed so farr, as to have obtained a Bill for the satisfaction of those persons who had been sufferers by ye late paper credit, according to H.M. most gracious Order; but after several recommendations from myself and ye Council, and a Petition to me from the Merchants to press the consideration thereof to them (*copy enclosed*) they sent ye Council up a Bill, in effect re-enacting for 15 months longer the very Act H.M. was pleased to disallow as pernicious. The Council for that reason rejected the same, and sending for ye Assembly, gave them some resolves upon which to frame a Bill pursuant to H.M. Order. Upon this they desired and had a conference, wherein they insisted upon having the Bank Bills issued by virtue of ye repealed Law, enacted to be as currant money in all payments till May, 1708, and that all persons who had been bound to ye late Bank should have till that time to discharge their obligations. Hereupon the Council sent them several Heads, upon wch. to ground a Bill; they desired and had a second conference, wherein they still insisted upon what they had insisted in the first conference. Their perseverance (to say no more) in points directly contrary to H.M. sacred commands has given great uneasiness to myself and ye Council, and general dissatisfaction to all persons concerned in trade, who have neare 55,000*l.* of ye 60,000*l.* odd issued by virtue of the late Act. The Council have sate de die in diem, and resolved to continue so to doe, to bring this affaire to some happy conclusion; but the arrival of the paquet obliged them to adjourn for a week, when they will send down to ye Assembly a Bill founded upon H.M. Order, and press them to agree to ye

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same, tho' with what success I don't promise ; ffor of late some hot spirits in that House (who had, in expectation, ingrossed to themselves the disposal of all posts in the Government, and wch. ye publick peace required they should be disapointed in) industriously oppose all harmony with ye Council. I have, my Lords, in concert with ye Council, laboured to promote Peace and Union, and in order to obtain that happiness, have carefully avoided advanceing any person who had been principally concerned in either of the ffactions that have so lately torn this place, allwayes preferring such persons to trust and power as have not been signally involved in our unhappy divisions ; for such is our misfortune, that so general has been the contagion, that a very few indeed have escaped the infection. And as we have been obliged to remove Coll. Cleland and Coll. Holder, who have been hot and violent men of one side, so we have not preferred Coll. Richard Downes or Capt. Wm. Cole, who were much more ye constant inflamers of the people on ye other ; and the first of ye two last under H.M. censure for notorious adultery. These measures, my Lords, I flattered myself would in a little time have procured tranquillity, and indeed for some time I found the good effects of them, and have yet no reason to repent me of such honest counsells. But these resolutions have occasioned a more than ordinary ffamiliarity between those four Gentlemen, Coll. Cleland and Coll. Holder being by ye interest of the other two encouraged to apply to ye Assembly for redress of pretended grievances against some of ye Council, and by false glosses to asperse ye Government ; ye other two at ye same time discontented with myself and ye Council for refusing to advance them to some posts they were no wayes deserveing ; provoking some unexperienced persons of their House to spend their time in scandalous and unjust retrospections, wch. can have no other consequence than to add fresh ffewell to our scarce extinguished flames, as if these Gentlemen were resolved, jointly or severally, for ever to embroil their Countrey. I shall, my Lords, with the Council continue to pursue the measures we have fallen upon, as those wch. can alone restore that serenity so necessary to the publick good ; and harsh methods shall be ye last I will have recourse to. And if I am so happy as to be honoured with your Lordships' approbation, I shall esteeme it the greatest honor can be conferr'd on, *Signed*, Wm. Sharpe.

P.S.—Encloses Act for examining the late paper bills, and the list of ships that have entred and cleared here, from Sept. 25 to Dec. 24, 1706. Endorsed, Recd. 2nd, Read June 6, 1707. 3 large pp. Enclosed,

817. i. Merchants of Barbados to the President and Council. Petition, referred to in preceding, for an Act to make provision for the satisfaction of the Bills issued under the late Act for Paper Credit March 22, 1706 (7). *Signed*, Geo. Mackenzie, Samuel Dourousseau, Edwd. Kemp, John Warter, John Legay, John Clark, John Watts, Jasper Bullard, John Gough, Jos. Mason, Jno. Lane, Willm. Chearnly, Wm. Rosell, Jno. Arrowsmith, H. Hall,

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Patrick Thomson, James Miln, John Smith, Saml. Jacklen, Zachy. Shute, Jos. Swane, Ed. Niccolls, Benja. Bissell, Robt. Moore, Ja. Aynsworth, Willm. Moore, Geo. Newport, Paul Carrington, Caleb Lindall, Eneas Driscoll, Sam. Hasell, Tho. Shawe, Edwd. Crofts, Arth. Upton, Wm. Crofts, Wm. Godman, John Townsend, Benja. Curtis, Antho. Lane, Christo. Fowler, Wm. Read, Edwd. Cordwent, Jos. Salmon, John Merring, Benja. Bullard, Tho. Beckles, Tho. Stewart, Wm. Cogan, Benja. Matson, Jos. Harbin, Jos. Salmon, jr., John Harbin, Wm. Mackclew, Domk. Arthur, Wm. Kirkham. *Endorsed*, Recd. June 2, 1707. *Copy*. 1 large p.

817. ii. President and Council of Barbados to the Queen. Petition for the confirmation of the suspension of Wm. Cleland from the Council, *on the grounds specified in preceding letter*. *Signed*, Wm. Sharpe, Samll. Cox, John Milles, Alexr. Walker, Raynes Bate, Samuel Berresford. *Endorsed as letter*. *Copy*. 3 pp. [C.O. 28, 10. Nos. 24, 24.i-iii.; and (without enclosures) 29, 11. pp. 25-35; and (duplicate of No. ii.), 28, 43. No. 28.]

March 24. **818.** Col. Sharpe to the Earl of Sunderland. *Duplicate of Barbados. preceding*. 4 pp. *Enclosed*,

818. i. Journal of Assembly of Barbados, Feb. 11, 1706 (7). Their reasons for their vote of Jan. 29 concerning Col. Cleland. 1½ pp. *Copy*. [C.O. 28, 43. Nos. 18, 18.i.]

March 25. **819.** Mr. Jones' reply to the complaints against him. *Signed*, Ed. Jones. *Endorsed*, Recd. 25th, Read March 28th, 1707. 4 large pp. [C.O. 37, 7. No. 45.]

March 25. **820.** Petty Expenses of the Board of Trade, Xmas, 1706—Lady Day, 1707; 10*l.* 16*s.* 5*d.* Stationer's Account, 22*l.* 12*s.* 6*d.* Postage, 34*l.* 11*s.* 4*d.* 3½ pp. [C.O. 388, 76. Nos. 17-19.]

March 26. **821.** Copy of Journal of the House of Delegates of Maryland, March 26—April 15, 1707. 66 pp. [C.O. 5, 721. No. 8.]

March 26. **822.** Council of Trade and Plantations to Governor Dudley. *Acknowledge* letters of Feb. 1, April 23, July 22, October 2 and 8, May 2, Oct. 10 and 21, 1706, with enclosed plans etc. As to the affair of Owaneco and the Mohegan Indians, H.M. has been pleased to order a Commission of Review, etc. We doubt not but your proceedings will be strengthened and confirmed by their report, when they have examined the whole matter. We have laid before H.M. your proposal for attacking the French in Canada, and for settling a Colony of Scots in Nova Scotia. We have also laid before H.M. the account you give us of your successes against the French Indians, and we doubt not but your conduct therein will be approved. We do not blame your

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pressing the Governments of Connecticut and Rhode Island for assistance in carrying on the war against the French and Indians. On the contrary we think them very remiss in not complying with what H.M. has required, according to the quota settled in that behalf. We are surprized that the Council and Assembly are so little sensible of H.M. favour in giving them her picture as not to have returned H.M. their humble acknowledgments of the same. We approve your inlisting the Mohegan Indians in the service against the French and their Indians, and you will do well to encourage the said Indians, by inlisting them upon occasion. We take notice that you have transmitted to the Duke of Marlborough an account of the expences at the several Forts, wherein you have don well, but you ought at the same time to have transmitted the like account unto us, and therefore we desire you to do it by your next. As to the affair of Vetch, Rouse and the others who were prosecuted by the Assembly for trading with the French at Canada, we are expecting the Attorney General's report, in order to lay the same before H.M. You are very much to be commended for raising 700*l.* by a brief for the distressed inhabitants of St. Christophers after the ravage made there by the French, which undoubtedly was a very considerable and seasonable relief to them. The pitch and tar which arrived by the last Fleet has for the most part been approved at the Custom House, and we hope that by Mr. Bridger's instructions and the care of the inhabitants in the manufacturing of those commodities, they will be made as good as what is received from the Swedish Dominions, and we do not doubt of a very good market here, the Muscovites having distroy'd a great part of those countries where pitch and tar is usually made. We desire you to send us as often as you can an account of the fishery upon your coast, particularizing the number of quintals of fish taken, the number of whales, the quantity of train oil made, as also where and how the same is disposed of. We have laid before H.M. the collection of the Laws of New Hampshire. *Enclose* Orders in Council, Nov. 19, 1706, thereupon. And that the Assembly may not for the future commit the like errors in the passing of Laws, we think fit to give you the reasons for the repealing of the 13. *Repeat reasons given 1706.* Amongst the Laws past in the Massachusetts Bay in May, 1701, there is an Act *to prevent and make void clandestin and illegal purchases of land from the Indians*, whereupon we desire to know the reason of the Assembly's passing this Act, and that you would explain the clause relating to Martha's vineyard. We have laid before H.M. your desire that Col. Hilton and Major Smith be of the Council of New Hampshire. *Enclose* H.M. letter relating to the passing of Laws of an extraordinary nature, *as* Nov. 8; and directions for correspondence *as* Dec. 13, 1706. [*C.O.* 5, 912. *pp.* 322-329.]

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Whitehall.

823. Council of Trade and Plantations to Governor Lord Cornbury. Since our letters of July 8 and 17, duplicates whereof are here inclosed, we have received your Lordship's of Aug. 10,

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Sept. 10 and Oct. 3. The account of stores of war remaining at New York, which is said to be inclosed (Aug. 10), is not come to our hands, and therefore we desire that your Lordship wou'd send it by the next opportunity. *Refer* to their representation of March 13. We have not received the catalogue of Mr. Mott's books, which your Lordship writes you have sent us, and shal therefore expect the same, as also an inventory of what he has left, together with an acct. of the salary due to him at his death. We have sent to Mr. Attorney General what you writ in relation to the granting of letters of administration *etc.* We desire your Lordship to be mindful of sending us all the Minutes of Council and Journals of the Assembly, both for the Province of New York and New Jersey since your Lordp.'s Government, as also accounts of the Revenue of both Provinces for the same time. We have laid before the Lord High Admiral what you writ us in relation to Capt. Fane and Capt. Miles, and *enclose* copy of Mr. Burchet's letter to Capt. Miles. We commend your Lordship's care and diligence in providing for the security of New York, upon the alarm of the French. And Coll. Dudley having writ us some while ago that Capt. Rednap the Engineer was gone to New York, we hope that by his assistance your Lordship will have put that Province in a good posture of defence. We have not received the old Seal of New York which your Lordship mentions to be sent Oct. 3, 1706, and having enquired of Mr. Sloper for it, he has acquainted us that it did not come to his hands; so that we desire it may be sent by the next conveyance. Your Lordp. may have opportunities of writing frequently to us by the way of Virginia, Barbadoes or the Leeward Islands; by which conveyances we shal be glad to hear from your Lordp. as often as may be of the state of the Provinces under your Government. *Enclose* H.M. letter relating to the passing of laws of an extraordinary nature *as* Nov. 8, and directions for correspondence *as* Dec. 13, 1706. [C.O. 5, 1121. pp. 18-21.]

March 26.
Whitehall.

824. Council of Trade and Plantations to the President and Council of Virginia. *Acknowledge* letters of Aug. 29 and 30, Sept. 2, Oct. 14 and 26, and Nov. 8 last. We are sensible of what you write of the low price of tobacco, and the bad returns from England, and H.M. has been pleased upon our representation to order convoys *as* Dec. 20 and Feb. 24; which method we hope (tho the merchants here cannot agree) will prove to the advantage of the Planters and of the tobacco trade. We have under consideration the collection of laws you have transmitted to us, and your remarks thereupon, and we hope to be able in our next to give you an account of what is to be done therein. As to what you write concerning forts, that will depend upon the building of towns; and the Act for *erecting of ports and towns* being before the Commissioners of the Customs, we expect the same will be referred to us, which we shall thereupon take care to dispatch. In the meantime having look'd over some of the said laws we shal give you our opinion thereupon as follows, vizt. As to the Act for *establishing the General Court etc.*,

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we cannot, as it is penn'd, present it to H.M. for her royal confirmation, for that in the last clause but one it enacts that there shall be no Court of Record in Virginia but the General Court and the County Courts, which derogates from H.M. royal prerogative, by restraining her power of constituting other Courts of Record as may hereafter upon emergent occasions be found convenient, besides that the said Act ought to have mentioned H.M. undoubted right of receiving Appeals in such manner as is directed by H.M. Instructions in that behalf, and therefore we think it requisit that the Act may be amended and passed with a proviso to the effect following, vizt. "Provided always that nothing contained in this Act shall be construed or deemed to derogate from the royal power or prerogative of H.M., her heirs and successors, of receiving Appeals, and of granting Commissions of Oyer and Terminer, or of constituting and erecting such other Courts of Record as H.M., her heirs and successors, by her or their Commissions or Instructions to her or their Governor or Commander in Chief of this Colony and Dominion for the time being shall direct." As to the *Act concerning the granting, seating and planting, and for settling the title and bounds of lands, and for preventing unlawful shooting and ranging thereupon*, H.M. has thought fit to repeale the same; so that you are to have recourse to H.M. Instructions and former Laws until another Act be passed, according to the Bill amended by us, and transmitted with other Bills by Coll. Nott. As for the Bill you mentioned for establishing the County Courts, Coll. Nott was much in the right not to pass it as the Assembly had amended it, and we insist upon it that the words vizt. *the advice of the Council or 5 of them at the least*, be left out, for the restraining the Governors from making Justices of the Peace without the advice of 5 of the Council is intrenching upon H.M. Royal Prerogative, and therefore you may be assured it will not be approved here; for that in all the other Plantations the power of appointing and displacing Justices of Peace is solely in the Governor without the necessity of the advice and consent of the Council, with whom it wou'd nevertheless be prudence in the Governor to advise for his better information as he shall find convenient. As to your doubt about the style of Proclamations, it ought to be by the President and Council of H.M. Colony of Virginia. We are glad the Assembly have appropriated a fund for the building of a house for a Governor. As to the patenting of lands on the South side of Blackwater Swamp and elsewhere, we are of opinion that the grants ought not to be made upon natural surveys, but that officers be appointed to take exact surveys of the number of acres, and that the grants be then made according to the proposal in Coll. Nott's Instructions, which will be most conducive to H.M. service. However, the grants that have been already passed and signed, or were prepared for signing may stand good when signed by you, provided sufficient care be taken that the persons to whom the grants are made do seat the said lands as directed by the foresaid Instructions and duly paying their quit-rents. We think it

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absolutely necessary for H.M. service that the bounds be run and ascertained between North Carolina and Virginia, and therefore we wou'd have you see it perfected as soon as may be. We think it further necessary that the dispute about the lands in the Fork of Rappahannock River be determined; we have seen the report relating thereunto which you have sent us, but as that gives us no satisfaction, we desire you to cause that matter to be thoroughly examined and then to transmit to us your opinion upon the whole. In the meanwhile we must advise you to be watchfull that H.M. lands be not invaded under pretence of a grant to any Proprietors. We hope that the differences which you say Coll. Nott had in a great measure composed, will by your prudent management be brought to an amicable determination. As to what you suppose, that the Assembly is dissolved upon the death of a Governor, we are of opinion that the Assembly is not dissolved thereby; for the same royal power from which the Assembly had it's first being does subsist notwithstanding the death of the Commander-in-Chief, and therefore the person succeeding the Governor in the chief administration (who with the advice of the Council is the proper judge whether it be for H.M. service that such Assembly be dissolved or not) may dissolve the same if he finds cause. We have laid before H.M. what you write concerning the French prisoners sent to Virginia from the Government of Carolina, and are expecting H.M. pleasure thereupon. As for your sallary as President of the Council, that matter will be determined by my Lord High Treasurer to whom it belongs. *Enclose* H.M. letter relating to the passing of laws of an extraordinary nature, *as* Nov. 8, and directions for correspondence, *as* Dec. 13, 1706. [*C.O.* 5, 1362. pp. 111-116.]

March 26.
Whitehall.

825. Council of Trade and Plantations to Governor Seymour. *Acknowledge* letters of Aug. 21, and another without date, as also one to our Secretary of Aug. 15, wherein you say that you had transmitted the old Seal by Mr. Evans; we have not yet received the same. We have under consideration the Laws you have sent us, and we hope in our next to be able to give you an account of what will be done therein, in the mean time we think fit to acquaint you that the Act for Ports being referr'd to the Commissioners of the Customs, we expect their Report thereupon, which so soon as we receive, we shall take care to dispatch. We have represented to H.M. what you write about the consequence of the uncertainty of convoys, whereupon H.M. has been pleas'd to order that for this season a convoy do immediately proceed with such ships as shall be ready to sail for your Parts; and that another convoy do sail from hence the latter end of Aug., or beginning of Sept. next, but that for the future there be but one convoy every year, during the war, to sail in Aug. or Sept., which method we doubt not will prove to the advantage of the Planters and of the tobacco trade. As to what you write concerning the Jesuits, who are so troublesome under your Government, we have it under consideration, and shall

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not fail to acquaint you with H.M. pleasure thereupon. As to what you write in reference to the Provisional Court's opinion about the Statutes of England being in force in Maryland, we are consulting H.M. Council learned in the Law, and shall let you know their opinion therein as soon as may be, and for greater certainty you may continue to pass any Laws for the good of the Colony, which ought to be made in separate Bills by themselves. Tho' the encouragement of the production of naval stores in the Plantations be[ing] of the highest importance to England, yet it is not fitting to be encouraged in those places which are proper for the production of tobacco, and therefore you will take care therein; but that the production of naval stores may be in such parts of your Government as are only proper for them. As to the want of skill in your people to manufacture pitch and tar, you may take notice that H.M. has been pleased to send a person on purpose into America, to instruct the people in the best method of making those commodities; who is Mr. John Bridger, now in New England, from whence he will write such directions in that matter as he is able to give, if you require the same from him. As to the 260*l.* of the 3*d.* per hogshead, which the Assembly find to have been misapply'd in Col. Blakiston's time, that matter is now before my Lord Treasurer, who will give the necessary directions therein. And as to the Assembly's desire of a small species of copper coin, if they send over the value hither, we shall move H.M. that such a quantity of copper coin be sent in lieu thereof; upon condition that no persons be forced to take the same in payments, wch. ought to be voluntary. We send you here inclosed a letter from H.M., in the same terms as to the Governors of H.M. other Plantations, relating to the future passing of Laws of an extraordinary nature, by which you are to be guided and directed upon such occasions. *Add Instructions as to Correspondence as Dec. 13, 1706. Enclose copy of Sir T. Laurence's reply to the reasons given by the Assembly for taking the benefit of the wine-licences from the Secretary's Office. [C.O. 5, 726. pp. 427-431.]*

March 26. **826.** W. Popple, jr., to Isaac Addington. Acknowledges Whitehall. letters of Oct. 8 and 10 *etc.* [C.O. 5, 912. pp. 329, 330.]

March 27. **827.** Council of Trade and Plantations to the Earl of Whitehall. Sunderland. Enclose following to be laid before H.M.

827. i. Council of Trade and Plantations to the Queen. Having considered an Act of Virginia, passed by the late Governor Nott, *concerning the granting, seating, and planting lands, etc.*, we find therein several clauses which render the said Act unfit for your Majesty's royal confirmation, for that amongst other things it enacts, that all persons may take up 200 acres of land for each taxable servant they have above the number of five, besides 50 acres allowed the importer for each servant brought into that Colony, and tho they are restrained not to have

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above 4,000 acres in one patent, they are not prohibited from having several patents, so that by this clause any person having 100 negroes may take up 19,000 acres of land, which is more than can be cultivated by one owner, and so in proportion for any greater or lesser number. By which means all the lands remaining ungranted in that Colony may fall into a few rich men's hands, which will be a discouragement to such persons as might go to settle there. The said Act declares that the building of one house of wood, of 12 ft. square, and the clearing, planting and tending at least one acre shall be deemed a good and sufficient seating and planting of land, but does not specify for what number of acres; whereas it ought to have been *for each 50 acres*, pursuant to your Majesty's Instructions in that behalf. And, as the Act is now penn'd, if such a house be built and one acre of land cleared and planted, it will be judged sufficient for a grant of 4,000 acres, which we are humbly of opinion will further hinder the settlement of that Colony. For which reasons and several other imperfections in the Act, we humbly offer that your Majesty be pleased to signify your disallowance of the same. [C.O. 5, 1362. pp. 117-119.]

March 27. **828.** The Queen to Governor Handasyd. Warrant for
Kensington. the admission of John Stewart to the Council of Jamaica, in
the room of Col. Charles Knight decd. *Countersigned*, Sunderland.
[C.O. 5, 210. p. 26.]

March 27. **829.** Order of Queen in Council. Referring *following* to
Kensington. the Council of Trade and Plantations for their report. *Signed*,
John Povey. *Endorsed*, Reed. Read April 2, 1707. 1 p.
Enclosed,

829. i. Petition of Charles Squire to the Queen. Governor
Sir B. Granville and the present Council of Barbados
refuse, without reason, to allow petitioner to practise
at the Bar. Prays relief. *Copy*. 1 p. [C.O. 28, 9.
Nos. 99, 99.i.; and 29, 10. pp. 430-432.]

March 27. **830.** Order of Queen in Council. Referring *following* to
Kensington. the Council of Trade and Plantations for their report. *Signed*,
John Povey. *Endorsed*, Reed. 3rd, Read April 17, 1707.
1 p. *Enclosed*,

830. i. Petition of John Sandford and John Dorn to the Queen.
Petitioners were members of a Court of Oyer
and Terminer, Barbados, Dec. 10 last, when Samuel Cox,
Chief Judge, took upon himself to nominate and impanel
the Juries, and for that purpose brought into Court a
paper containing the names of the Juries he had chosen
out of 66 returned by the parishes. Sandford and
other Justices upon the Bench told him there were
several other fit persons to be impanelled, and averred

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they had a right to be consulted in the impannelling, both by law and practise. The Chief Judge affirmed that he had the sole right of empannelling the Jurys, and ordered the Grand Jury to be sworn. On the second day of the sitting, and before the Petty Jury was sworn, petitioners and other Justices drew up a paper requesting the Chief Justice to put the matter to the vote of the whole body of Justices then assembled. He refused, but replied next day in a paper threatening such Members as should interrupt his proceedings. Upwards of 20 Members then signed a protest and a bill of exceptions, which the Chief Judge refused to accept. When these exceptions were offered in the Court, William Walker, then at the Barr, said that none were entitled to a Bill of Exceptions but the parties concerned. Sandford did without hesitation say "We are a Party," at which the Chief Judge and two or three Members of the Court raised a tumult, as if Petitioner had been declaring himself of a party, and he was hurried off the Bench by constables and armed men, whom the Chief Judge *etc.* called into Court. Without any order of the Court, he was carried to prison, even tho' he desired to explain himself, which liberty the Chief Judge refused, which occasioned him to call out if there were no Members of the Court to do justice, and Dorn affirming the right of the Court and arguing with one of the Members about the word "party," all the Justices being then in disorder, some declaring they would stand by the Chief Judge, but the major part ascertaining the right of the whole Court, was pickt out from the rest and by the said Chief Judge ordered to prison, without any vote of the Court, neither did any Member who disliked such arbitrary proceedings, dare offer any motion in behalf of Petitioners, the Chief Judge calling out aloud, Are there any more of you have anything to say? Petitioners were detained in the common goal many days, and were refused and delayed the benefit of their Habeas Corpus by contrivances uncommon and unwarrantable, some lawyers having given it under their hand they were not bailable. During their imprisonment, several depositions were obtained to be transmitted for England, the Justices interrogating and swearing the persons only to a part of what happened, neither were Petitioners summoned or suffered to be present. *Pray* for relief and that the Chief Judge be dealt with accordingly. *Copy.* 6 pp. [C.O. 29, 8. Nos. 100, 100.i.; and 29, 10. pp. 435-445.]

March 27. **831.** Order of Queen in Council. Referring *following* to Kensington. the Council of Trade and Plantations for their report. *Signed and endorsed as preceding.* $\frac{1}{4}$ p. *Enclosed,*

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831. i. Petition of Wm. Cleland, James Colleton and John Holder to the Queen. When Col. Sharpe took upon him the title of Commander in Chief of this and other of your Majesty's Charibbee Islands, and did exercise an authority contrary to your Majesty's Commission, and even contrary to the Articles laid down by Sir B. Granville and signed by the Council, petitioners made a Representation to him. He has exceeded his powers (1) in issuing commissions as Commander in Chief without the advice and consent of the Council, whereas petitioners think that by H.M. Commission all such commissions ought to be issued by your Majesty's Council, and that he as President ought to sign them, as hitherto has been practised. (2) The President has made publication in the Churches to the great amusement of your Majesty's subjects without the privacy of the Council. (3) He has never consulted the Council in giving orders to your Majesty's ships for cruizing, but has all along done the same by his own authority. (4) He has received addresses from many inhabitants directed to him as Commander in Chief in a tumultuous manner, which were carryed about the parishes and signed by ignorant people, servants *etc.*, and at the same time there were collections of money throughout the Islands to procure the dissolution of the Assembly, one man having for that purpose offered to pay down 2,000*l.* sterl. (5) He has threat'ned several Members of the Council with suspension without cause, and did transact business in Council with only two Members, Samuel Cox and Alexander Walker, when the quorum is 5, as will appear by a Minute taken by the Clerk when the resolution was taken to dissolve the Assembly. (6) He has in an unparalleled manner, taken upon himself by his own authority and without the consent of the Council, to dissolve the Assembly, tho petitioners protested in Council, which protest he would not suffer to be read or entered. (7) He has by his own authority called a new Assembly and issued writs for that purpose in his own name, without the advice or consent of the Council. (8) He has proceeded to issue orders to take depositions against several persons *ex parte*. (9) He has not communicated to the Council letters he has received from the Board of Trade *etc.* Sir John Jennings affirmed to one of our Members that if H.M. pleasure concerning St. Vincents had been disclosed to him, he would have appeared before that Island with his squadron, to have given credit to any person sent from Barbadoes for cultivating correspondence with the Indians, *as directed*. (10) He has countenanced Samuel Cox, C.J., in an open violation of the laws and libertys of H.M. subjects *etc.* *Pray* that depositions be ordered to be taken under the seal

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of the Island, which the President has refused *etc.*
Signed, Wm. Cleland, James Colleton, John Holder.
 Jan. 2, 1707. *Copy*. 4 $\frac{1}{4}$ pp. [C.O. 28, 9. Nos. 101,
 101.i.; and 29, 10. pp. 446-454.]

- March 28. **832.** Attorney General to the Council of Trade and Plantations. Reply to Queries, Feb. 27, relating to fines laid on Vetch and Rouse. I have perused the Charter of the Massachusetts Bay, the severall Acts of Assembly, and heard Mr. Phips, the Agent, and am of opinion, (1) The General Assembly there have no power granted them by Charter to proceed in the manner they have done, the power granted them being onely to make laws, to be a rule to the people there, but no power is granted them to execute the Laws, or proceed against criminals, but that is to be in the Courts of Justice there. (2) If they had such power, I am of opinion they might legally impose a fine on a man without a *salvo contenemento*, otherwise a poor man is not to be fined at all. (3) For the reasons in the answer (1) I am of opinion those Acts are not fitt to be confirm'd, and confirmation of the same will make a precedent, wch. I apprehend will be attended with dangerous consequences and inconveniencys, and deprive the subjects of their birthrights, to be tryed by a Jury upon oath. (4) I am of opinion, these laws being repealed, the offenders may be tryed as they might have been, before these Acts were made. *Signed*, Edw. Northey. *Endorsed*, Recd. Read April 7, 1707. 2 pp. *Enclosed*,
 832. i., ii. Copies of letters Feb. 27, '07 and Oct. 8, '06. 5 $\frac{1}{4}$ pp.
 832. iii. Deposition of John Nelson and Capt. Jno. Alden, mariner. Having long resided there, deponents affirm that the Indians who traded with Vetch *etc.* never could, by their situation, be offensive to H.M. subjects *etc.* Their country was formerly under the Crown of England by the Patent of Sir Thomas Temple, Barot. of Novæ Scotiæ, dated July 17, 1662. 1 p.
 832. iv. Saml. Vetch and others to the Council of Trade and Plantations. Pray for the remission of their fines *etc.* *Signed*, Saml. Vetch. 1 p. [C.O. 5, 864. Nos. 177, 177.i., 178, 179, 180; and (without enclosures) 5, 912. pp. 349-352.]

- March 28. **833.** Attorney General to the Council of Trade and Plantations. *In reply to letter of Feb. 11.* I am of opinion that Pogson, having been tryed and acquitted for murder, cannot now be tryed for manslaughter on the statute of stabbing. He might have been tryed on both indictments if the Jury had found them at the same time, but cannot at different times, manslaughter on the statute being included in murder, and his life shall not be twice in danger at the Queen's prosecution, the acquittall of murder is no barr of an Appeal, which is the subject's suite, but that may be brought against him within the year and day after the death of Col. Johnson. *Signed*, Edw. Northey. *Endorsed*, Recd. Read April 1, 1707. 1 p. *Enclosed*,

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833. i. Duplicate of *No.* 757. 1½ pp.

833. ii. Extract of Governor Parke's letter Oct. 31, 1706. 1 p.

833. iii. Duplicate of proceedings at trial of Pogson. *Nos.* 559.i. ii. 6 pp. [*C.O.* 152, 7. *Nos.* 1, 2, 2.i., ii.; and (without enclosures) 153, 9. pp. 473, 474.]

March 28. **834.** Earl of Sunderland to Governor Parke. In reply to
 Whitehall. letters of Dec. 9, and Jan. 19, H.M. approves of your having refused to renew the leases of the French lands in St. Kitts, and would have you to do nothing therein till you receive her further orders. Care is taken here to send you forthwith a considerable quantity of stores and provisions, and all possible methods will be made use of to restore Nevis and the rest of the Leeward Islands in the most effectual manner to their former flourishing condition. I am to tell you H.M. does totally reject your proposall of sending 10,000 Scots into your parts: perhaps the sentiments of those may differ from yours as to religious matters, yet H.M. looks upon them as good subjects and good Christians, too good to be knock't on the head upon so wild a project. I am glad your scheme did not appear before the Union was finished, for if it had, possibly it might have occasioned some delay to that which all Well-wishers to Great Brittain think so great an advantage to H.M. Interest and the People of both Nations. *Signed,* Sunderland. [*C.O.* 5, 210. p. 12.]

March 28. **835.** Earl of Sunderland to Governor Crowe. In reply to
 Whitehall. Mr. Sharp's letters Dec. 5 and Jan. 2 *etc.* By all of them it appears that the heats and disorders in Barbadoes are as great as ever. Mr. Sharp has done all that in him lay to putt an end to them, and has acted with a great deal of prudence and courage, much to the satisfaction of H.M., therefore it is expected you should pursue the same methods as he has done. The Queen would have you strictly to enquire into the authors of these disorders, particularly into Cleland's behaviour, who seems to be the chief actor and promoter of all these mischiefs; you are sufficiently arm'd with powers to putt an end to them, and I hope by your steady conduct, you will prove the happy Instrument of restoring that Island to its former flourishing condition and quiet. *Signed,* Sunderland. *Duplicate signed* Oct. 14, 1707. [*C.O.* 5, 210. p. 13.]

March 28. **836.** Same to Mr. Sharpe. H.M. is very well pleas'd with
 Whitehall. your prudent conduct *etc. as preceding*, and is very sensible how difficult a task you have had to keep things upon any tolerable foot, considering the Disorders that have been occasion'd by some turbulent spirits amongst you. I don't see what assistance you can have at present from hence more than is already sent you; therefore you must wait the arrival of your new Governor, Mr. Crow, who is sufficiently arm'd with Instructions and Powers to putt an end to all these disturbances; I don't doubt but he is with you before now, but if by any accident he should not, H.M. would have you continue to act as you do,

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and use your utmost endeavours for suppressing and quietting those heats and tumults amongst you. I shall write to Mr. Crowe by this Pacquet and acquaint him how much it concerns H.M. interest and the good of your Island to have an example made of the promoters of these disturbances. *Signed, Sunderland. Duplicate, Oct. 14, 1707. [C.O. 5, 210. pp. 13, 14.]*

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Whitehall.

837. Same to Governor Handaside. I have laid your letter of Jan. 29 before the Queen, who very well approved of the conduct you have shewn in relation to your Assembly, and of your resolution of not passing any Laws of extraordinary nature without first having H.M. approbation; I don't question but your prudent management will allways prevent the mischiefs which may arise from the extreams and errors such popular Assemblies are too apt to run into. H.M. does likewise approve of what you have done to Burrow, such a one ought to have all the discountenance can be shewn him by Law, and if possible, you are to suppress that turbulent spirit of his, which may be so mischievous to the Peace and Quiett of H.M. subjects. Care will be speedily taken for sending the Recruits you require. The Spaniards in your parts will soon be convinc'd that our affairs in Spain are not in so desperate a condition as they foolishly imagine. My Lord Rivers has landed 10,000 effective men in Valentia, which with the forces that were there before will make an army of near 40,000 effective men: the first notice of our landing had this good effect, that the enemy immediately quitted severall posts upon their frontiers to retire nearer to their Capitall. Our army there has without doubt taken the field by this time, and I don't see how the Duke of Anjou can bring together a force sufficient to oppose them, especially considering the desperate condition the affairs of France are in everywhere else both as to sea and land, that they are not able to send any considerable succours to Spain. The French have given up all Lombardy which is now actually in the possession of the Allies, only for the saving about 7,000 men *etc.* The Duke of Savoy and Prince Eugene will have an army of at least 70,000 men ready to march into France early this campagne; and the allies on the other side of France under the Duke of Marlborough will be able to do the same with a much greater army, so that I don't see how France can shelter herself from the storms which are immediately coming upon Her, without giving up Spain to King Charles, and add to all this that the troops which France has now on foot are in a miserable condition, having been recruited with boys that can be no ways serviceable to them this campagne; and those of the Allies are stronger and in a better condition than ever they were. Besides the Force we have now in Spain, we are sending immediately 4,000 men more to Portugall, which when joyned with the Portuguese will make a body of 20,000 men, and the enemy has no force on the frontiers to oppose our march into Spain on that side. Part of our Fleet is now in the Mediterranean, and a great reinforcement speedily going to them, so that we shall be absolutely masters at sea in those parts,

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and soon reduce the Islands to the obedience of King Charles. You will do well to publish an accot. of this, and disperse it amongst the Spaniards that they may see their true interest, and be no longer deceived and impos'd upon by the false relations sent them from France. There is a ship going to Jamaica called the *Kingston* freighted by Mr. Dummer: I desire you will give directions to have her clear'd as soon as may be, for after she has made this trading voyage, which is the only one she is to make, she is to be taken into service for carrying the mails between England and the West Indies. *Signed, Sunderland.* [C.O. 5, 210. pp. 15-17.]

March 29.
Antigua.

838. Governor Parke to the Council of Trade and Plantations. *Encloses duplicates.* Our apprehension of being attacked is now over, having an account that what men of war arrived att Martinico are gone to Leeward, and the 18 sayle the last Packett saw at sea were Dutch ships bound for Surrynam, where they are arrived; whilst the Fright lasted the People sent negroes to fortyfe Monks Hill, but being over I can't gett a negroe to finish what I had begun, but they promise to doe it when the crop is over; I desired them to make a regular Fort, and Coll. Lilly being here offered his service, but they could not be perswaded to be at that expence. In your last to me you direct me not to enclose any of my letters in your packett, had I ever done any such thing I should have deserved a reproof, *etc.* I never will trouble myself to write to any one that is unwilling to be at the charge of postage. The Assembly of this Island have allwaies allowed quarters to the soldiers, and tho they make the Act but for three months, yet the Treasurer does allwaies continue the quarters till another Assembly sitts, and 'tis allwaies allowed, the other Islands did the same, whilst they were able, but now they have it not for themselves, had the men their cloaths and pay allowed by the Queen, they might live very well. I have informed the Assembly that the Act for regulating their Courts did not pass at home, and gave them the Attorney General's reasons. I have not as yett gott them to pass another Act agreeable to his exceptions, soe that as yet there is no Court kept, the Act last sent home repealed their former Act, and that not passing in England, the Lawyers dispute whether the old Act be in force or not. On Munday next they meet, and hope there will be some expedient found, that people may know how to come by their right, which hitherto has been noe easy matter. Your Lordships when I send the Journalls of the Council and Assembly will see whatsoever has been done since I came to my Government; it had been sent sooner but our continuall allarms has been a good excuse for the Deputy Secretary not copying them for me. I should have sent the broken Seale, if it had been in my power, tho old Col. Codrington and Sir N. Johnson in the like cause were permitted to keep it as a perquisite, the vallue of the silver is not above 3 or 4 pounds sterl., when I arrived, pursuant to your order, I caused the Seale to be brought before the Councill and broke, the peices lay upon the table, there was a vast crowd

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of all sorts of people as saylors, negroes etc., when the Councill broke up, I went away and forgot it, the Deputy Secretary said he gave it to my man, he said he put it into a table drawer, I never thought of it till I went to St. Christophers, I sent about it but the table was removed out of the house by the owner, and from that day to this I never could hear what became of it. Had it been possible to have procured such peices, if it had cost never soe much, I would have done it, but all that can be done now is to pay the vallue of it, the man that made the seale your Lordships' Secretary gave me can inform the vallue, *etc.* which I will order my Agent to pay. I thought I did a very prudent act in removeing Col. Hamilton from St. Christophers to Nevis and making Col. Lambert Lt. Governor of St. Kitts, for there were a great number of complaints against Col. Hamilton at St. Kitts, being generally haited there on account of Col. Codrington's putting him upon some things not to be justified and he being himself desirous to be removed to Nevis; upon Col. Johnson's death, by desire of the people of both Islands, I made Hamilton Lieut. Governour of Nevis, and Lambert Lt. Governour of St. Kitts, they were strangers to me, but I thought it Col. Lambert's due, he haveing been President of the Councill many years, and has been in all the West India service *etc.* *Repeats conclusion of following.* Signed, Daniel Parke. *Endorsed,* Recd. 2nd, Read June 5th, 1707. 4 pp. [C.O. 152, 7. No. 8; and 153, 10. pp. 12-17.]

March 29.
Antigua.

839. Same to [*the Earl of Sunderland*]. *Repeats part of preceding.* I cannot very much blame [*the people for not continuing the fort*], for every year they are allarmed, which putts them to a great expence, and hinders their makeing sugar. I had an Order of the Queen and Councill to oblige Col. Codrington to restore Mr. Baron a ship of his *etc.* His answer was, the Law was open, and if he owed anything, he might sue for it. I desire your Lordship's Instructions how I am to proceed with him. I have it in my Instructions, and alsoe a power from Mr. John Parkhurst by order from my Lord Treasurer to prosecute Col. Codrington for the prizes taken last war, which I am about, and want only one Buckeridge, the principal witness against him, who is comeing from England, as soon as he arrives I don't doubt but to recover a considerable summe, which shall be sent to my Lord Treasurer. I have by doing my duty in these orders disoblged this Gent. to a very great degree. I hope my Ld. Peterborough, who is very much Col. Codrington's freind, will not do me any disservice with your Lordship, and I hope I shall have your Lordship's protection, whilst I doe my duty, and that if anything be told your Lordship to my prejudice, it may not hurt me in your Lordship's esteem untill your Lordship hears what I have to say, *etc.* P.S.—One of the Queen's bounty ships is arrived with the *Speedwell* and *Maidstone*. I have sent orders to the Lieut. Governours of Nevis and St. Christophers to distribute the provisions to the people; I had done it myself, had I not expected then to have been attacked in this Island.

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Signed, Daniel Parke. *Endorsed*, Recd. June 1st. 3 pp. [C.O. 7, 1. No. 16.]

March 29.
Whitehall.

840. Earl of Sunderland to the Council of Trade and Plantations. I have sent you the names of some merchants and others concerned in the Plantations of Nevis and St. Christophers, proposed as Commissioners for enquiring into the losses of the said Islands, and how to restore the same to their former condition pursuant to the Address of the House of Commons [March 18] I desire you will let me know as soon as may be whether you have any objections against any of them and what they are. *Signed*, Sunderland. *Endorsed*, Recd. Read March 31, 1707. *Enclosed*,

840. i. Names of proposed Commissioners for Nevis and St. Kitts; 8 from each Island and 13 from London. $\frac{3}{4}$ p. [C.O. 152, 6. Nos. 79, 79.i.; and 153, 9. pp. 471, 472.]

March 30.

841. Capt. Moody to the Council of Trade and Plantations. Reply to March 15. (1) The bread was unfit for use. (2) (3) I did buy the bread which was destroyed by the French, and I left provisions, etc. *Signed*, J. Moody. *Endorsed*, Recd. Read April 1, 1707. *Addressed*. 2 pp. *Enclosed*,

841. i.-iii. Depositions of A. Cumings, Merchant, Peirce Griffith, and Tim. Moore, Pursers, in support of preceding. 3 pp.

841. iv. List of provisions left at St. Johns by Capt. Moody, Nov. 1, 1705, and surveyed by order of Commodore Bridge. *Signed*, Hu. Dart, Tim. Moore, Jno. White. 1 p. [C.O. 194, 4. Nos. 24, 24.i.-iv.]

March [? 31].

842. Attorney General to the Council of Trade and Plantations. *Reply* to letter of Dec. 6, 1706. By Law where a man dyes intestate in the Plantations having a personal estate there, and also any personal estate or debts owing here in England, the right of granting administration belongs to the Archbishop of Canterbury, and if administration be granted in the Plantations also (which may be) that administrator will be accountable to the administrator in England, but will be allowed the payment of just debts, if paid in the order the Law allows of, that is to say, the whole personal estate in England and the Plantations will be liable to all the intestate's debts in both places, and out of the whole, first, debts owing to H.M., then judgments, statutes and recognanzes, their bonds, their debts without specialty both there and in England are to be satisfied, and the administrator in the Plantations will not be allowed the payment of any debts without specialty, if there be debts of a superior nature unsatisfied in England, for every administrator is bound to take care to apply the intestate's assets to discharge his debts in the order the Law directs, and it matters not whether the debts were contracted in England or the Plantations. If there be debts of equal nature in England and the Plantations, the administrator may discharge which he pleases before he be sued

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for any other of the like nature. This indeed is some difficulty on administrators, but it is no more there than in England: And attempts have been made by Acts of Assembly in some of the Plantations, particularly, as I remember, in Pennsylvania, to appropriate the effects in the Plantations of persons dying there to the discharging debts contracted there, but those Acts have been repealed here, as being prejudicial to this Kingdom. I am also of opinion that when the letters of administration arrive at the Plantations under the Seal of the prerogative Court of Canterbury, they are to be allowed there, and the authority of the administration granted in the Plantations from that time ceases. *Signed*, Ed. Northey. *Endorsed*, Read April 1, 1707. 2½ pp. [*C.O.* 5, 1049. No. 28; and 5, 1121. pp. 22, 23.]

March and April, and May. **843.** Permits for 21 ships bound for Virginia, Maryland and the West Indies, not to be embargoed there. [*C.O.* 5, 210. pp. 22, 23, 27, 28, 30, 35.]

April 1. **844.** Mr. Jackson to the Council of Trade and Plantations. Encloses following, and prays that Adams' name may be concealed, lest he suffer from Capt. Lloyd. *Signed*, John Jackson. *Endorsed*, Reed. Read April 1st, 1707. 1 p. *Enclosed*,

844. i. Mr. Jackson's denial of the charges made against him by the inhabitants of St. John's. They are egregious falsehoods hatched by Major Lloyd and his party, *etc.* March 28, 1707. *Signed*, John Jackson, Minister. 4 pp.

844. ii. T. Adams, Surgeon at the Fort of St. John's, to Mr. Jackson. Oct. 10, 1706. Major Lloyd has told me he has not any money to pay me. Threats and good punch *etc.* force some to say anything weh. is required. Most of the signatories of the petitions have already signed petitions also in your favour, *etc.* *Signed*, Tho. Adams. 2 pp. [*C.O.* 194, 4. Nos. 25, 25.i., ii.]

April 1. Whitehall. **845.** Council of Trade and Plantations to the Earl of Sunderland. *Reply to March 29.* We have nothing to object to the persons proposed for the Commission of Nevis and St. Kitts. [*C.O.* 153, 9. pp. 474, 475.]

April 1. Whitehall. **846.** Council of Trade and Plantations to Lt. Governor Usher. Having writ to Col. Dudley at large in relation to his Governments, we are now to acknowledge the receipt of your letters of March 21 and 27, and Nov. 1, 1705, and Oct. 13, 1706. We are sorry the Assembly have not complied with your desire in relation to your accounts, but we hope that at their next meeting they will be in better temper, and consider the hardship of your case and make you satisfaction. However we think that whilst you remain H.M. Lieut. Governor of New Hampshire, you ought to make your chief residence in that Province. We are expecting the accounts of the Revenue which you promise us, and you will

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do well therefore to signify the same to the proper officer, that no delays may be made therein. H.M. has been pleased upon our representation to appoint Col. Hilton and Major Smith to be of the Council, and the orders, when taken out, will be sent to Colonel Dudley. *Repeat* part of letter to Gov. Dudley March 26, relating to Vetch, Rouse etc; to correspondence, and laws. [*C.O.* 5, 912. *pp.* 343-348.]

April 3. **847.** Council of Trade and Plantations to the Commissioners
Whitehall. of the Victualling Office. Enclose copy of Capt. Moody's reply, March 30. [*C.O.* 195, 4. *p.* 381.]

April 3. **848.** Council of Trade and Plantations to the Earl of
Whitehall. Sunderland. Enclose following to be laid before H.M.

848. i. Council of Trade and Plantations to the Queen. It fully appears from the proceedings of the Court at St. Kitts (*see* Oct. 31), 1706, that Pogson was guilty of the murder of Col. Johnson, but was acquitted, and upon Col. Park ordering him to be tried anew upon the statute of stabbing, he fled off the Islands. *Quote* Attorney General, March 28. We do nevertheless humbly offer that, for the discouragement of all such heynous attempts, your Majesty be pleased to signify your pleasure to Col. Park that Pogson be turn'd out of his place in your Majesty's Council and out of all other publick employments in your Majesty's service.

848. ii. Council of Trade and Plantations to the Queen. It not appearing that Charles Squire (March 27) has anyways misbehaved himself in his profession, we recommend that the Governor of Barbados be directed to permit him to practice. [*C.O.* 153, 9. *pp.* 476-478; and (*No.* ii. *only*) 29, 10. *pp.* 433, 434.]

April 3. **849.** Lord Sunderland to the Council of Trade and Planta-
Whitehall. tions. H.M. having been pleased to appoint Col. Hunter to succeed Mr. Nott in the Government of Virginia, I desire you will prepare a commission and Instructions for him in the same manner, and that you will consider of the enclosed Memoriall, and prepare a clause accordingly, if you have no objection to it. *Signed*, Sunderland. *Endorsed*, Reed. Read April 7, 1707. 1 *p.* *Enclosed*,

849. i. Memorial referred to in preceding. It is humbly prayed that in H.M. warrant for the Government of Virginia a clause may be incerted directing ye payment of the Governor's appointments from the day of Mr. Nott's death, deducting thereout such proportion as has been customary paid to the President of the Council for the time the Government has been vacant. $\frac{1}{2}$ *p.* [*C.O.* 5, 1315. *Nos.* 46, 46.i.; and 5, 1362. *pp.* 119, 120.]

[April 3.] **850.** Copy of protest of 4 of the Council of Barbados against the dissolution of the Assembly. *See* Jan. 2, Feb. 9, etc. *Signed*,

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Wm. Cleland, John Mills, James Colleton, John Holder. *Endorsed*, Recd. April 3, Read May 20, 1707. $3\frac{1}{2}$ pp. [C.O. 28, 10. No. 6.]

[April 3.] **851.** Copy of Writ directed to Col. Holder for electing a Member of Assembly for St. Joseph's parish, Barbados, Dec. 27, 1706. *Signed*, Wm. Sharpe. *See* Jan. 2, Feb. 9, 1707. *Endorsed as preceding*. $1\frac{1}{2}$ pp. [C.O. 28, 10. No. 7.]

April 3. **852.** Copy of Memorial of Members of a Court of Oyer and Terminer, held in Barbadoes Dec., 1706, to Mr. Cox, Chief Judge, against his proceedings in empanelling Juries. *Signed*, Thomas Alleyne, John Sandford, Reynold Alleyne, Thomas Prideaux, Elisha Holder. *Endorsed*, Recd. April 3, Read May 29, 1707. $1\frac{1}{2}$ pp. [C.O. 28, 10. No. 8.]

[April 3.] **853.** Copies of Protests of several Members of the *above* Court, and depositions relating to the proceedings on *above* occasion, read at the hearing of the Board on May 29. *See* Journal of Council of Trade *etc.* *Signed by the above* 5, and by Paul Lyte, Robt. Vaughan, Edward Jordan, Nathl. Holder, Robt. Lett. Hooper, Peter Mascoll, Henry Evans, Samll. Osbourn, Gyles Theyer, John Rouse, Simon Lambert, Robt. Hacket, John Whitstone, Danl. Hooper, John Rushworth, John Harris, Edward Skeet, jr., John Holder, Alleyne Culpeper, Dr. Thomas Stokes, Richd. Brewster, and Othniel Haggat. *Endorsed as preceding*. 34 pp. [C.O. 28, 10. Nos. 9-12, 14-23.]

[April 3.] **854.** Copy of Warrant of Samll. Cox, Chief Justice of Barbados, for committing John Dormer for not keeping silence in Court. 1 p. [C.O. 28, 10. No. 13.]

April 3. **855.** Imports and Exports of Pennsylvania. 1699. Custom House. Imported (omitting *s.* and *d.*), 1699, 1,477*l.*; 1700, 4,608*l.*; 1701, 5,220*l.*; 1702, 4,145*l.*; 1703, 5,160*l.*; 1704, 2,430*l.* *Exports*, English Manufactures or Product, 1699, 11,774*l.*; 1700, 14,676*l.*; 1701, 8,354*l.*; 1702, 5,980*l.*; 1703, 8,154*l.*; 1704, 8,633*l.* *Endorsed*, Recd. Read May 12, 1707. 1 p. [C.O. 5, 1263. No. 146; and 5, 1291. pp. 470, 471.]

April 7. **856.** W. Popple, jr., to W. Lowndes. Encloses copy of Whitehall. Memorial concerning Col. Hunter's salary (April 3) to be laid before the Lord High Treasurer. [C.O. 5, 1362. p. 120.]

April 7. **857.** W. Lowndes to W. Popple. *Encloses following* for the guidance of the Council of Trade and Plantations in making an estimate of the quantum that may be reasonable to allow Mr. Penn *etc.* [See March 18.] *Signed*, Wm. Lowndes. *Endorsed*, Recd. April 10, Read May 6, 1707. 1 p. *Enclosed*,
 857. i. Imports from Pennsylvania, Xtmas 1698—Xtmas, 1705. Custom House, London, March 21, 1706. Total

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customs paid for 7 years—36,589*l.* 10*s.* 8½*d.*—5,227*l.* 1*s.* 6½*d.* average *per annum.* *Details given. Endorsed, Read April 1st, 1707. 2 large pp. [C.O. 5, 1263. Nos. 144, 145; and (without enclosure) 5, 1291. pp. 460, 461.]*

April 14. **858.** Attorney General to the Council of Trade and Plantations. *Reply to Feb. 18.* I have perused an Act of Antego to enable Robert Freeman and Mary his wife to sell three parcells of land etc. This Act recites a petition of Robert Freeman and Mary his wife for passing an Act for disposing several lands of which Robert Freeman was seized in right of Mary his wife, then under age, in which petition they sett forth the great charges they were and had been at yearly about the said lands, and that by reason of the infancy of the said Mary they could not sell the same. 'Tis thereupon enacted that the said Robert Freeman and Mary his wife should have power to sell the inheritance of all or any of the said lands, provided the consideration of such sale be first approved by the Governor in Cheif of the Leeward Caribbee Islands for the time being, or the Lieutenant or Deputy Governor of Antigua, together with four or more of the Councill of that Island, and such approbation signified by their subscribing their names as witnesses to such deed as should be executed for the sale of such lands. I humbly observe that the infancy of the said Mary is the only thing suggested for making this Act necessary, and the charges they were at for making it reasonable. As to the infancy, it being above six years since the Act pass'd in all probability that impediment is now removed, and she hath attain'd her age long before this time, and therefore no such Act would be necessary, if Robert Freeman and Mary his wife be still living and no sale made. But 'tis suggested to me that they have sold the said lands, and that the lands have been since much improved by the purchasors, and that Robert Freeman is since dead, and Mary his wife married to one Perne, and that Perne and his wife are now suing for recovery of the said lands from the purchasors. 'Tis likewise suggested to me that the lands sold in pursuance of the Act were not worth above 200*l.*, and that Robert Freeman had by his will devised to his wife the value of 500*l.* and upwards, for making out the truth of which suggestions the affidavit hereunto annexed was brought to me, but your Lordships will observe the said affidavit to be founded on letters and reports only. Supposing the several facts in the affidavit mentioned to be really true, 'twould be a great hardship to the purchasor, if this Act should not be confirmed, and I have no objection against the confirmation thereof; but in regard to the uncertainty of the facts contain'd in the affidavit, the great length of time since the Act passed, the marriage of Freeman's widdow to Pern, and their commencing a suit against the purchasor for recovery thereof, I humbly submitt whether it may not be reasonable, before your Lordships lay this Act before H.M., for your Lordships to be farther informed of the truth of these facts, from the Governor, who may hear the parties concerned touching the premisses and certifie the truth thereof

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to your Lordships, and likewise whether (in case any deed was executed by Freeman and his wife for sale of the lands in pursuance of this Act) the consideration of such sale was approved of by the Governor in Cheif then being, or the Lieutenant or Deputy Governor of Antigua and four of the Council of that Island, and their approbation signified by their subscribing their names as witnesses to the deed of sale thereof. *Signed*, Sim. Harcourt. *Endorsed*, Reed. Read May 7, 1707. 2 pp. *Enclosed*,

858. i. Affidavit of Arthur Freeman, of London. Feb. 22, 1706 (7). *Described in preceding*. *Signed*, A. Freeman. 1 p.

858. ii. Copy of Act of Antigua, *referred to in preceding*. 4½ pp. [*C.O.* 152, 7. *Nos.* 5, 5.i., ii.; and (*without enclosures*) 153, 9. pp. 494-497.]

April 16. **859.** Council of Trade and Plantations to the Earl of
Whitehall. Sunderland. Enclose following to be laid before H.M.

859. i. Council of Trade and Plantations to the Queen. In obedience to your Majesty's commands, April 3, we have prepared the draught of a Commission for Robert Hunter, Esq. to be your Majesty's Lieutenant and Governor General of Virginia, with the same powers and authorities of Government as were granted to Coll. Nott. But whereas, by a Clause in the Commissions and Instructions to the Governors of your Majesty's Plantations it is directed that *upon the death or absence of each respective Governor, and in case there be no Lieutenant Governor appointed by your Majesty upon the place, the then Council do take upon them the administration of the Government and that the eldest Counsellor do preside*, and we having observed that this Instruction has given occasion of many controversies and disputes between the President and your Majesty's Counsellors, and between the Counsellors themselves, and otherwise to the great hindrance of the public business and to the prejudice and disturbance of your Majesty's service there (whereof there is an unhappy instance at this time in Barbadoes), we have thereupon presumed to alter that Instruction [*see April 22*] *etc.* Which Clause so altered and adapted, as we humbly conceive, to your Majesty's service, if your Majesty be pleased to approve the same to be inserted in the Commission of Coll. Hunter, we do likewise most humbly offer that an additional Instruction be sent to all other your Majesty's Governors in America to the same purpose or effect, as the most effectual means to prevent the many inconveniencies that may continue to happen from the frequent misunderstandings and disagreements between your subjects in the Governments of your Majesty's Plantations in America.

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859. ii. Governor Hunter's Commission for the Government of Virginia. Same as that of Governor Nott [1705], with additions proposed above. Westminster, April 22. *Countersigned*, Wright. [C.O. 5, 1362. pp. 121-138.]

April 17. **860.** Order of Queen in Council. Approving preceding.
Kensington. *Signed*, Chris. Musgrave. *Endorsed*, Recd. Read May 12, 1707.
1 p. [C.O. 5, 1315. No. 50; and 5, 1362. p. 219.]

April 17. **861.** Order of Queen in Council. Additional Instruction
Kensington. *etc.* ordered, as proposed in preceding. *Signed*, Chris. Musgrave. *Endorsed*, Recd. Read April 21st, 1707. 1 p. [C.O. 5, 1315. No. 47; and 5, 1362. p. 139.]

April 17. **862.** Order of Queen in Council. John Pogson (April 3)
Kensington. is to be discharged from all public employments in the Leeward Islands. *Signed*, Chris. Musgrave. *Endorsed*, Recd. Read May 12, 1707. 1 p. [C.O. 152, 7. No. 6; and 153, 10. pp. 10, 11.]

April 17. **863.** Order of Queen in Council. Repealing Act of Virginia
Kensington. for granting and settling lands. *Signed and endorsed as preceding*.
1 p. [C.O. 5, 1315. No. 54; and 5, 1362. p. 221.]

April 17. **864.** Order of Queen in Council. Mr. Squire is to be
Kensington. permitted to practice the law in Barbados (*see* April 3). *Signed*, Chris. Musgrave. *Endorsed*, Recd. Read May 12, 1707.
1 p. [C.O. 28, 10. No. 2; and 29, 10. pp. 476, 477.]

April 18. **865.** Council of Trade and Plantations to the Lord High
Whitehall. Treasurer. Enclose office accounts, Xmas to Lady Day, 1707.
[C.O. 389, 36. pp. 324-326.]

April 18. **866.** W. Popple to Josiah Burchett. The Council of Trade
Whitehall. and Plantations desire you would move the Lord High Admiral that Governor Hunter may have a Commission as Vice-Admiral of Virginia, as usual. [C.O. 5, 1362. p. 138.]

April 19. **867.** J. Burchett to Mr. Popple, jr. *Reply to preceding*.
Admiralty Office. Col. Hunter will be appointed Vice-Admiral of Virginia, and an order be given to Capt. Mathews of the *Dover* to carry him thither with his servants. *Signed*, J. Burchett. *Endorsed*, Recd. Read April 21st, 1707. *Addressed*. $\frac{1}{2}$ p. [C.O. 5, 1315. No. 48; and 5, 1362. p. 139.]

April 21. **868.** Governor Handasyd to the Council of Trade and
Jamaica. Plantations. I have received none from your Lops. since yours of Dec. 13, 1706, *etc.* I have little now to trouble your Lops. with, only that we have still a report of a French Fleet being in these parts, and now at Martineco, but no certain account of them, or what their design is, whether on the galleons or against Jamaica; if the latter, I hope myselfe and the Gentlemen under

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my command will shew our selves faithfull servants to H.M. H.M.S. *Dunkirk* Prize has brought in a Spanish prize, the value of which I am a stranger to ; and one of our privateers has taken a French ship of 200 or 300 tun, supposed to be of considerable value, being laden with wine, brandy and dry goods. All publick news that has come to my hands I have sent to the Spanish coast, to undeceive the poor Spaniards, who are very much imposed on by false advices from the French. Our squadron of men of warr here, I can say little of, but doubt not but Commadore Kerr has given a particular account of them to H.R.H. and the Admiralty Board, and of his whole proceedings since the coming into these parts. I hope your Lops. will not forgett what I before apply'd myselfe to you in for your assistance, that a draught of 300 recruits may be sent for my Regiment, it being impossible for my officers to raise them and put them aboard. The Island is at present healthy. Capt. Kerr has just now acquainted me that he designs to go a cruize on the Spanish coast, with all H.M. ships of war under his command, except one, which he leaves in Harbour, and has desired of me to let him have 100 men of H.M. Regiment under my command, to help to man the ships, which I have ordered to be put on board him this day. *Signed*, Tho. Handasyd. *Endorsed*, Recd 2nd, Read 6th June, 1707. 2 pp. [C.O. 137, 7. No. 50 ; and 138, 12. pp. 96, 97.]

April 21. **869.** Mr. Jones to the Council of Trade and Plantations.
London. Prays to be heard to the complaints against him, having been at great expence in transporting witnesses to England, *etc.* *Signed*, Ed. Jones. *Endorsed*, Recd. Read April 21, 1707. $\frac{3}{4}$ p. [C.O. 37, 8. No. 1.]

April 21. **870.** W. Popple, jr., to Sir John Bennet. The hearing of
Whitehall. your brother's complaints against Mr. Jones cannot be deferred longer than 3 weeks, *etc.* [C.O. 38, 6. p. 249.]

April 22. **871.** Council of Trade and Plantations to the Earl of
Whitehall. Sunderland. Enclose following to be laid before H.M. in Council.
871. i. Council of Trade and Plantations to the Queen. Enclose Instructions to Governor Hunter.
871. ii. Governor Hunter's Instructions. Similar to those of Governor Nott. [1705.] [C.O. 5, 1362. pp. 140-215.]

April 22. **872.** W. Popple, jr., to W. Lowndes. *Applies for* 30 or 40
Whitehall. copies of "the Act past this sessions, for the more effectual suppression of pirates, to be sent by the ships now going to the Plantations." [C.O. 324, 9. pp. 138, 139.]

April 22. **873.** Council of Trade and Plantations to the Earl of
Whitehall. Sunderland. Enclose following to be laid before H.M.
873. i. Council of Trade and Plantations to the Queen. Recommend for repeal the six Acts of the

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Massachusetts Bay, laying fines on Vetch, Boreland, Lawson, Rouse, Coffin and Philips (*see* Feb. 20, 1707). The General Assembly, consisting of the Governor, Council and Representatives, instead of referring the matter to your Majesty's ord'nary Courts of Justice, did take upon themselves the committing, charging and trying of petitioners in an undue and unpresented manner. *Quote* Attorney General's opinion, "with which we do concur, conceiving that your Majesty's service in the Plantations will be best carried on by the ord'nary rules and known methods of Justice, to which all your Majesty's subjects may readily acquiesce." [*C.O.* 5, 912. *pp.* 354-357.]

April 22. **874.** Council of Trade and Plantations to Lord Sunderland. In obedience to Order in Council, April 17, *enclose following* to be laid before H.M. in Council. *Annexed*,

874. i. Council of Trade and Plantations to the Queen. Enclose draught of following Instruction.

874. ii. Additional Instruction to H.M. Governors in America. Whereas by a clause in our Commission and Instructions it is directed that upon your death or absence (in case there be no Lieutenant Governor appointed by us upon the place) the then Council do take upon them the administration of the Government, and that the eldest Counsellor do preside, and we having observed that this Instruction has given occasion of many controversies and disputes between the Presidents and the Counsellors, and between the Counsellors themselves, and otherwise in several of our Plantations to the great hindrance of the publick business, and to the prejudice and disturbance of our service there, Our will and pleasure therefore is, that if upon your death or absence, there be no person upon the place commissioned by us to be Lieut. Governor or Commander-in-Chief, the eldest Counsellor whose name is first placed in our said Instructions to you, and who shall be at the time of your death or absence residing within our said Province of —, shall take upon him the administration of the Government, and execute our said Commission and Instructions, and the several powers and authorities therein contain'd, in the same manner and to all intents and purposes, as other our Governor or Commander in Chief shou'd or ought to do, in case of your absence, until your return, or in all cases until our further pleasure be known therein. Given at our Court at Kensington. May 3, 1707. *Countersigned*, Sunderland.

To the Governor of the Massachusetts Bay, the Instruction is "the eldest Counsellor who shall be at the time of your death or absence residing within the Province" *etc.* [*C.O.* 324, 9. *pp.* 136-138; and

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(without covering letters) 319, 1. p. 9; and 5, 726. pp. 432-434; and 5, 912. pp. 352, 353; and 153, 9. pp. 479, 480; and 29, 10. pp. 455-457; and 138, 12. pp. 77, 78; and 5, 994.A. pp. 291-293; and 5, 210. pp. 30-33; and 5, 1121. pp. 24, 25; and 38, 6. pp. 250-252.]

- April 24. **875.** Mr. Dummer to Mr. Popple. Sailings of the *Prince George* packet-boat. Out and home, 97 days. The Islands fear further attempts from the enemy, there being a great squadron of French expected there. *Signed*, E. Dummer. *Endorsed*, Recd. April 25, 1707. 1 p. [C.O. 323, 6. No. 31.]
- April 24. **876.** Copy of Col. Hunter's Commission to be Vice-Admiral of Virginia. *Countersigned*, Rich. Crawley, Register. *Endorsed*, Recd. April 30, 1707. *Latin*. 20 pp. [C.O. 5, 1315. No. 49.]
- April 24. **877.** Commission to General John Cheek, Dr. Nathaniel Loyd and Dr. Charles Hedges to enquire into the capture of the *Juffrouw* or *Virgin Margareta*, Frederic Meyer, master, captured by the *Burchet* Galley. The enquiry. May 23-June 25, 1707. *Countersigned*, Rich. Crawley. *Latin*. [C.O. 319, 1. pp. 36-49.]
- April 26. **878.** The Queen to Governor Parke. Capt. Pogson is to be discharged from the Council and all publick employments. *Countersigned*, Sunderland. [C.O. 5, 210. p. 29.]
- April 29. **879.** Order of Queen in Council. Approving draft of Additional Instructions [April 22]. *Signed*, Chris. Musgrave. *Endorsed*, Recd. Read May 12, 1707. 1 p. [C.O. 323, 6. No. 34; and 324, 9. p. 141.]
- April 29. **880.** Order of Queen in Council. Approving Instructions for Governor Hunter. *Signed and endorsed as preceding*. 1 p. [C.O. 5, 1315. No. 51; and 5, 1362. pp. 219, 220.]
- April 29. **881.** W. Popple, jr., to Josiah Burchett. Encloses Lord Cornbury's letter, etc. Dec. 14, 1706, concerning Capt. Fane, for H.R.H. directions thereupon. [C.O. 5, 1121. p. 36.]
- April 30. **882.** Mr. Burchett to Mr. Popple, jr. *Reply to preceding*. H.R.H. commands me to say that altho Capt. Fane has done noe more than his duty and strictly complied with his Instructions (a copy whereof I send you) by appointing a commander to the *Tryton* prize, when the vacancy happened, yett H.R.H. has commanded me to acquaint Capt. Fane that he is very much dissatisfied with him for his behaviour to my Lord Cornbury in other particulars, and the more so because he is, by the Instructions he has from his Highness, particularly required to obey the orders of his Lordship dureing the time that he attends on the Government of New Yorke. As the Council

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of Trade and Plantations will find by the afore-mentioned extract of the Prince's Instructions (the which is the same as to the Captains of all ships that attend on H.M. Islands and Plantations) that Capt. Fane has positive orders to place officers in the ships under his command, without any regard of those the Governour might pretend to appoint, soe it is not known here that any Governour abroad has the least pretence to an authority or power of appointing Captains or officers to ships putt under their directions ; for as it is directly contrary to the Instructions given by the Lord High Admiral to the Captains attending on forreigne Plantations, as is mentioned before, soe is it indeed such an infringement of the known rights and authority of the office of Admiral as cannot in the least degree be dispensed with ; and therefore H.R.H. knows of noe further Instructions necessary for my Lord Cornbury's guidance in this affaire of appointing officers to H.M. ships ; nay, thus much I must further observe to you, that altho my Lord Cornbury should suspend Capt. Fane for not complying with his Orders, yett the next officer to him in seniority must, and will of course, take upon him the command of both the ships attending the Government (dureing the suspension), without any regard, in that case, to any person the Governour may happen to appoint to that charge. What I have more to add is, that my Lord Cornbury has the same power invested in him as Vice Admiral to H.R.H., within the limits of his Lordship's Government, as any his predecessors, or the Governours of other Colonies or Plantations have, and the warrant to the Judge of the High Court of Admiralty, to prepare such a Commission for the Lord Cornbury was dated Sept. 15, 1702 ; but his Lordship has no more power by that Commission to appoint officers to H.M. ships than the Vice Admirals of the Maritime Counties in this Kingdom have. *Signed, J. Burchett. Endorsed, Reed. 3rd, Read 5th May, 1707. 3 pp. Enclosed,*

882. i. Extract of H.R.H. Instructions to Capt. Fane *as above.*
 $\frac{1}{2}$ p. [C.O. 5, 1049. Nos. 31, 31.i. ; and 5, 1121.
 pp. 37-40.]

April 30.
 Whitehall.

883. W. Popple, jr., to W. Lowndes. Whereas by several of the Laws of Trade and Navigation the Scots are in many particulars restrained in point of trade and otherwise in the Plantations, and the Council of Trade and Plantations thinking it necessary that copies of the Act of Union be sent to all H.M. Governors in America, they desire you would move the Lord High Treasurer that they may have 40 of the said Acts. [C.O. 324, 9. p. 139.]

April 30.
 Whitehall.

884. Council of Trade and Plantations to the Earl of Sunderland. *Enclose* extracts of letters from Col. Handasyd and Col. Sharpe, relating to a squadron of French ships in the West Indies. Also a letter from Col. Parke relating to the same matter, and upon that occasion complaining of the ill condition of the Regiment there, which your Lordship[s] will please to lay before H.M. [C.O. 138, 12. p. 84.]

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May 5. **885.** Sir T. Laurence to the Council of Trade and Plantations. Prays that all his papers (Jan. 28 etc.), may be sent to the Attorney General. *Signed*, Thomas Laurence. *Endorsed*, Reed. Read May 8, 1707. $1\frac{1}{2}$ pp. [C.O. 5, 716. No. 23; and 5, 726. pp. 438-441.]
- May 5. **886.** Mr Baron to the Council of Trade and Plantations. Nothing has been done upon their letter of March 6, 1704. Petitioner renews his application, and hearing that the Lt. Governor of Bermuda has been procuring affidavits to convict him of several "enormous crimes," prays for copies thereof. *Signed*, Robt. Baron. *Endorsed*, Reed. Read May 9, 1707. $1\frac{1}{2}$ pp. *Enclosed*,
 886. i. Duplicate of Mr. Baron's petition, Dec., 1704.
 886. ii. Certificate by the Lt. Governor and Council of Bermuda that Mr. Baron has diligently fulfilled his office as Minister there for $2\frac{1}{2}$ years. Feb. 18, 1704. *Signed*, B. Bennett, Rich. Peniston, Michael Barron, Benja. Hinson, Tho. Harford. *Copy*. 1 p. [C.O. 37, 8. Nos. 4, 4.i., ii.]
- May 6.
Whitehall. **887.** Council of Trade and Plantations to the Earl of Sunderland. *Enclose extract from* letters from Lt. Gov. Hamilton, relating to the want of soldiers etc. upon each of the Leeward Islands. A reasonable number of regular forces will be necessary to the security of the said Islands, and without a supply of the cartridge paper *desired*, the guns will be useless in case that Island be attacked by the French, and therefore we are of opinion that it will be for H.M. service that a sufficient quantity of such paper be sent by the ships now ready to sail. We take leave to remind your Lordship of the representation of Dec. 11 last, relating to the Lt. Governor of Nevis and St. Kitts, it being for H.M. service that the said Lieut. Governours be forthwith confirmed by H.M. immediate authority. [C.O. 153, 9. pp. 493, 494.]
- May 6.
Prize Office. **888.** Commissioners of Prizes to the Council of Trade and Plantations. We haveing occasion for the names of persons inhabiteing in H.M. severall Plantations, in the West Indies, well qualified to be incerted in a Commission for Enquiry into imbezlements of prizes there, which is design'd to passe under the great Seale of Great Britaine, doe desire you will please to furnish us with the names of such persons. *Signed*, N. Pollexfen, J. Evelyn, T. Baker, Fleet. Dormer. *Endorsed*, Reed. Read May 7, 1707. 1 p. [C.O. 137, 7. No. 47; and 138, 12. p. 85.]
- May 7.
Whitehall. **889.** Earl of Sunderland to the Council of Trade and Plantations. It is H.M. pleasure that you send to each of the Governors of Her Plantations in America, a copy of the Act for an Union of the two Kingdoms of England and Scotland, with directions that they take effectual care it be strictly observed in all places under their respective Governments, and that the subjects of either part of the United Kingdoms enjoy the same

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immunities and priviledges, and be upon the same foot in point of Trade as the subjects of England have been heretofore. *Signed, Sunderland. Endorsed. Recd. Read May 9, 1707. 1 p. [C.O. 323, 6. No. 32; and 324, 9. p. 140.]*

May 7. **890.** Same to same. *Encloses H.M. Additional Instructions*
Whitehall. *to Governors in America, which you will please to forward. Signed and endorsed as preceding. [C.O. 323, 6. No. 33; and 324, 9. p. 140.]*

May 7. **891.** Council of Trade and Plantations to Governor Seymour.
Whitehall. *Circular letter as given No. 904, together with Instructions relating to the Act of Union, No. 905. [C.O. 5, 726. pp. 434-438.]*

May 7. **892.** Same to Governor Hunter. *As preceding. [C.O. 5,*
Whitehall. *1362. pp. 216-218.]*

May 7. **893.** Same to Governor Lord Cornbury. *As preceding.*
Whitehall. *[C.O. 5, 1121. pp. 40-44.]*

May 7. **894.** Same to Governor Dudley. *As preceding. [C.O. 5, 912,*
Whitehall. *pp. 357-360.]*

May 7. **895.** Council of Trade and Plantations to the Earl of
Whitehall. *Sunderland. Enclose following to be laid before H.M.*

895. i. Council of Trade and Plantations to the Queen.
Recommend Samuel Beresford for the Council of
Barbados in place of James Colleton decd. *[C.O. 29,*
10. pp. 468, 469.]

May 7. **896.** Council of Trade and Plantations to Governor Lord
Whitehall. *Cornbury. Circular letter as given No. 904, together with Instruction relating to the Act of Union, No. 905. With additions:—Upon this occasion we must remind your Lordship that there are not in our office any Minutes of Council or Assembly, or accounts of the Revenue, since your Lordship's Government: and therefore we must in a more particular manner desire your Lordship to send us by the very first opportunity exact transcripts of all such Minutes, Journals and Accounts since your Lordship's first taking upon you the care of that Government. . . . Acknowledge letter of Nov. 18. We have not receiv'd the letter your Lordship has sent us by the way of the West Indies, relating to Mr. Ormston and Mr. Sonmans, which we are in expectation of. When anything of that matter shall come before us, we shall do your Lordship justice in our report to H.M. We are laying before H.M. your desire that Mr Sonmans be admitted into the Council, etc. [C.O. 5, 994.A. pp. 300-305.]*

May 7. **897.** Circular letter from the Council of Trade and Planta-
Whitehall. *tions to the Governors and Companies of Rhode Island and Connecticut; to the Lords Proprietors of Carolina; and to*

1707.

Mr. Penn. Similar to that given May 9 (omitting directions as to names of Councillors etc.) with Instruction relating to the Act of Union. [*C.O.* 5, 1291. *pp.* 462-469.]

May 7.
Whitehall.

898. Council of Trade and Plantations to the Earl of Sunderland. *Enclose* extracts from Governor Handasyd's letter, March 8, relating to the Spanish galleons, and his need of recruits. Capt. Gardner, Agent for that Regiment, informs us that Mr. St. Johns told him that recruits must not be draughted out of other Regiments here, but must be raised as well as he could. Whereupon the Captains of the Regiment that were in town went down into their several Counties to endeavour to raise men if possible, but they had little hopes of doing the same. Whereupon we must observe that the difficulty of raising recruits for Jamaica is no new thing, few people being willing to go to that island by reason of its unhealthyness, so that we fear a great deal of time may be lost without effect in endeavouring to raise the said recruits, and considering the weakness of the Regiment there and the importance that Island is of to England, we pray your Lordship to lay the enclosed extract before H.M. [*C.O.* 138, 12. *pp.* 85, 86.]

[May 8.]

899. Mr. Noden, Agent for Bermuda, to the Council of Trade and Plantations. Prays for a month's delay in hearing the complaints against Mr. Jones, he himself "being laid up of the gout," and Mr. Holland, an eminent Divine, who is coming from Bermuda with papers etc., having been left behind at Virginia. *Signed*, Cha. Noden. *Endorsed*, Recd. Read May 8, 1707. 1 *p.* [*C.O.* 37, 8. No. 3.]

May 8.
Barbadoes.

900. Col. Sharpe to the Council of Trade and Plantations. *Begins with duplicate of March 24. Continues*.—I transmitt what I said to the Assembly with their answer, which we thought so great an affront to H.M. authority now vested in us, that we order'd it to be burnt. The Assembly (by the instigation of some factious and restless persons) have acted so disrespectfully to the Government, that we were obliged to give some publick check to their irregularities. The Act for reliefe of the paper credittors met very unaccountable delays in ye Assembly, and at last they would not be prevailed on to give an interest on the Bills, though we plainly showed them the great advantages thereof. But the persons in whose hands they chiefly lay, fearing other delays from the Assembly, desired we would pass it without that encouragement rather than run any further risque. We have just now an alarm which obliges me to break off, in order to see our forces, though I hope 'tis our Governour is coming in, who will be most wellcome to, *Signed*, Wm. Sharpe. *Endorsed*, Recd. 14th, Read 15th July, 1707. 4 *pp.* *Enclosed*,

900. i. Copy of the President's Speech to the Assembly of Barbados, April 1, and their Reply April 8, 1707. (*See Minutes of Council and Assembly.*) The Governor explains that the Government has been much allarmed at the House

1707.

countenancing Mr. Vaughan in his refusal to attend the Council. The House is in error through the extravagant notion that they are to regulate themselves according to the method of the House of Commons, instead of being only permitted by H.M. to convene for some ends to which they are by her Instructions restrained. The Assembly busies itself raking among the ashes of the late Government. Almost 3 months are elapsed since their Election and nothing done in obedience to H.M. Order for relieve of those who have been obliged to take the late paper money. The crop is now far spent; the Planter suffers, and the merchant can make no returns. *Proposes* that they proceed with the Bill, retract their resolve concerning Mr. Vaughan, and that he submit himself to the Board.

The Assembly replies that time is not lost by them, if they can draw "from the ashes of the late Government" about fourscore thousand pounds, which in the three last years was raised from the people, or some acct. how the same was expended. H.M. never denied liberty to the Assembly to review accounts of taxes. Reaffirm their vote, that Members of the General Assembly during the actual sitting of their House are not subject to be commanded thence at the will and pleasure of the Council Board, otherwise than when the whole House is required to attend the Governor in Council *etc. etc.* *Endorsed as preceding.* 19 pp. [*C.O.* 28, 10. pp. 26, 26.i.; and (*without enclosure*) 29, 11. pp. 79, 80.]

May 8. **901.** Col. Sharpe to the Earl of Sunderland. Duplicate of Barbados. part of preceding and of No. 817.i. [*C.O.* 28, 38. Nos. 62, 62.i.]

May 8. **902.** W. Popple, jr., to Governor Hunter. Encloses packets Whitehall. for the Governors of Maryland and New York. [*C.O.* 5, 1362. p. 218.]

May 8. **903.** The Exports from England to Pennsylvania Dec. 25, 1698—Dec. 25, 1704 exceeds the imports from thence, 34,530*l.* 5*s.* 7½*d.* Besides, the English produce and manufactories imported at Pennsylvania directly from New York, Maryland, New England, Virginia, Jamaica and Barbadoes, amounting to about 4,000*l.* *per annum* (24,000*l.* + 34,530*l.* 5*s.* 7½*d.*). In which time the imports from Pennsylvania were only 23,043*l.* 1*s.* 5*d.* The whole of the exports thither, of the English manufactories and produce of the said time, being (58,530*l.* 5*s.* 7½*d.* + 23,043*l.* 1*s.* 5*d.* =) 81,573*l.* 7*s.* 0½*d.* Hence it plainly appears how much is circulated (other than what comes directly from thence hither) in the produce of Pennsylvania to the West India Islands *etc.* and from thence in their enumerated commodities home. *Endorsed*, Reed. from Mr. Penn. May 8, 1707. 1 p. [*C.O.* 5, 1263. No. 42.]

1707.

May 9.
Whitehall.

904. Circular letters from the Council of Trade and Plantations to H.M. Governors of Plantations. H.M. having been graciously pleased by her Commission under the Great Seal of England to authorize and constitute us (together with Mr. Stepney) her Commissioners for promoting the Trade of this Kingdom, and for inspecting and improving her Plantations in America and elsewhere, we have thought fit to acquaint you that it is H.M. pleasure and express command that the Governors of all her foreign Plantations do from time to time give unto us frequent and full information of the state and condition of their respective Governments and Plantations as well with regard to the administration of the Government and Justice in those places as in relation to the commerce thereof; and more particularly that the said Governors transmit unto us yearly accounts of their said administration by way of Journal; together with the Acts of the Assemblies in the respective Plantations and exact Accounts of all mony given for publick uses and how the same is from time to time expended or laid out. All which things you are therefore accordingly to observe in relation to the *Government* committed to your charge.

Particularly we desire and require you by the first opportunity to send us a compleat list of the names of the present Council, and together with that a further list of the names and characters of such persons as you think proper to supply the vacancies that may happen either in the Council (according to H.M. Instructions) or in any other office wherein they are to be confirmed by H.M. approbation. And further we desire you to inform us what number of inhabitants there are within that whole *Government*, what of freemen, and what of servants, white and black? To what degree are those numbers increased or decreased since your entrance upon that Government or since the last estimate that you understand to have been made of them? What way do you conceive most proper to prevent the removal of the inhabitants out of that *Government* into any of your neighbouring Colonies? What is the whole number of the Militia? What commodities are exported to England? What trade is there either by exportation or importation with any other place, and from whence is that *Government* now furnished with supplies (particularly of any manufactures) that it was wont to be furnished withal from England? How and in what particulars is the trade increased or decayed of late years, and what has been the reason of such increase or decay? What are the present methods used to prevent illegal trade, and what further methods do you think advisable for that purpose? What number of ships or other vessels are there belonging to that *Government*, and what number of seafaring men? What number and what sorts of those vessels have been built there? What manufactures are settled in that *Government* of any sort whatsoever? To all which inquiries and all such other matters as are required by your Instructions to be communicated to this Board, we also further desire you to add whatever else you may in your own prudence think conducive

1707.

to H.M. service, to the int'rest of England, to the advantage of that particular *Government*, and to our assistance in the discharge of the trust reposed in us. *Signed*, Stamford, Dartmouth, Herbert, Phil. Meadows, Jno. Pulteney, Rob. Monckton. [*C.O.* 138, 12. pp. 87-90; and 153, 10. pp. 1-5; and 5, 994.A. pp. 300-305; and 5, 912. pp. 357-360; and 5, 726. pp. 434-438; and 5, 1362. pp. 216-218; and 5, 1121. pp. 40-44; and 29, 10. pp. 470-473; and 38, 6. pp. 253-258.]

May 9.
Whitehall.

905. Council of Trade and Plantations to Governor Handasyd. *Begins with Circular Letter as above. Concludes* :—We are laying before H.M. what you write (March 8) in relation to recruits. You take notice that you have not sent any letters for our Board inclosed to your Agents, but we must remind you of the latter part of the directions sent you Dec. 13, 1706, viz. that no letters which were not for the Board be sent under the covers of the Board, which we desire you to observe for the future. An Act having been past the last Sessions of Parliament for a perfect and entire union of the two Kingdoms of England and Scotland we send you two of the said Acts that it may be published in the most solemn manner in Jamaica, and that you may take notice that Scotchmen are thereby to be looked upon for the future as Englishmen to all intents and purposes whatsoever.

P.S.—We send you here inclosed H.M. additional Instruction relating to the devolution of Government upon your death or absence, which you are to cause to be entered upon the Council Books that it may be observed according to H.M. directions therein. [*C.O.* 138, 12. pp. 90, 91.]

May 9.
Whitehall.

906. Council of Trade and Plantations to Governor Parke. *Begins with Circular Letter, and repeats Instructions as to the Act of Union, and relating to the devolution of the Government, as preceding. Concludes* :—We have laid your letter of Feb. 21st before H.M. for her pleasure thereupon. In the meantime we will not doubt of your care and diligence in defending the Islands under your Government, to the utmost of your power in case they be attacked. *Enclose* copy of Mr. Attorney General's Report in relation to Capt. Pogson's trial for your guidance. Mr. Baron having often attended the Board since your departure from hence, for an account of what has been done upon H.M. Order of July 9, 1705, we think ourselves obliged to remind you of that affair, and to desire you will send us a particular account thereof by the next conveyance. Lt. Gov. Hamilton acquaints us that he had, by your direction, sworn Messrs. Belman, Brodbelt and Milliken of the Council of Nevis, which we have laid before H.M. for her approbation. But we must observe to you that this is not regular according to your Instructions, for there were six upon the Island when these were put in, so that, by your Instructions you could admit but one into the Council, and ought to have given us the names of such persons with their characters as you judged most proper for the filling up the said

1707.

vacancys. We desire you therefore for the future to have a strict regard to your Instructions in this, and indeed in all other matters. There is one thing more which you must observe, vizt., that Col. Hamilton mentions Thomas Minor as one of the Commissioners absent, whereas we have never had any account of his being admitted to that Board, which we take to be very irregular, and not to be allowed of; and therefore we desire to know when and by whom he was put in, and the reason why we had no information thereof. We enclose the Attorney General's report on the Act of Antego to enable R. Freeman etc., and desire that you would examine the severall matters therein mentioned and return to us a particular account thereof as is proposed by the said Report. [C.O. 153, 10. pp. 5-9.]

May 9.
Whitehall.

907. Council of Trade and Plantations to Governor Crow. *Begins as preceding. Concludes* :—Mr. Sharp's letters and papers of Feb. 9 are all under consideration, and you will not fail to have notice of H.M. pleasure thereupon. We are glad the Assembly are so unanimous in taking measures for remedying the ill effects of the Act for Paper Money, and for composing the heats and animosities that have too long disturbed the peace and quiet of that Island. We will not doubt of your ready concurrence and assistance in so good a work, which is so highly necessary for H.M. service, and the trade and welfare of H.M. subjects under your Government. The enclosed Instruction, relating to the devolution of the Government, you are to cause to be entred upon the Councill Books. [C.O. 29, 10. pp. 470-475.]

May 9.
Whitehall.

908. Council of Trade and Plantations to Lt. Governor Bennett. *Begins as preceding. Concludes* :—Not having received any answer to our letter March 6, 1704 $\frac{1}{2}$, relating to Mr. Barron, we expect your particular answer by the first opportunity to his inclosed fresh petition, to the end he may be no further delayed in obtaining what in right and justice shall be found does belong to him. [C.O. 38, 6. pp. 253-259.]

May 9.
Whitehall.

909. Council of Trade and Plantations to the Earl of Sunderland. Enclose following to be laid before H.M. in Council.

909. i. Council of Trade and Plantations to the Queen. Recommend the appointment of Peter Sonmans to the Council of New Jersey, in the room of Mr. Jennings resigned. [C.O. 5, 994.A. pp. 306, 307.]

May 9.
Portsmouth.

910. Governor Hunter to Mr. Popple. *Acknowledges* receipt of Instructions. *Signed*, Ro. Hunter. *Endorsed*, Reed. Read May 12, 1707. *Holograph*. 1 p. [C.O. 5, 1315. No. 53; and 5, 1362. p. 220.]

May 9.
Whitehall.

911. Council of Trade and Plantations to the Earl of Sunderland. Enclose following to be laid before H.M.

911. i. Council of Trade and Plantations to the Queen. Recommend Messrs. Belman, Brodbelt and Milliken for the Council of Nevis. [C.O. 153, 9. pp. 498-500.]

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May 10. **912.** The Queen to the Attorney or Solicitor General.
Kensington. You are to prepare a warrant for George Gordon to be Provost
Marshall of Barbados, and revoking the Letters Patents whereby
James Hannay was so constituted. *Countersigned, Sunderland.*
[*C.O.* 5, 210. *p.* 34.]

May 12. **913.** Circular letter from the Council of Trade and Plantations
Whitehall. to Governors of Plantations. Encloses H.M. Additional Instruc-
tions, April 22. [*C.O.* 324, 9. *pp.* 141, 142.]

May 12. **914.** W. Popple, jr., to Mr. Penn. The Council of Trade
Whitehall. and Plantations desire your particular answer in writing to the
following queries, viz. (1) The charges you have been at on
account of the settlement of Pennsylvania etc. (2) What
are the profits you have made thereof, computing the value of
the property remaining to you? (3) How the said charges and
profits have arisen? (4) What advantages the Crown will
receive from that Colony, by purchasing the Proprietary, more
then it now hath, and how the same may arise? (5) What is
the annual charge of that Government? (6) What revenue
is settled for the support thereof, the yearly value of such revenue,
and for what time granted? (7) The terms of purchase, that is,
the quantum demanded and times of payment? (8) What
priviledges and immunities you have granted by charter or
otherwise to the city of Philadelphia, or other Towns or Corpora-
tions in the Province of Pennsylvania. [*C.O.* 5, 1291. *pp.* 472,
473.]

May 13. **915.** W. Popple, jr., to Sir G. Heathcote and Sir B.
Whitehall. Gracedieu etc. The Council of Trade and Plantations having
under consideration the improvement of the trade to Jamaica,
have commanded me to desire you to let them know in writing
at what time you would desire a convoy for that Island. and of
how many ships that convoy ought to consist. [*C.O.* 138, 12.
pp. 91, 92.]

May 13. **916.** W. Popple, jr., to W. Lowndes. The Council of Trade
Whitehall. and Plantations desire the opinion of the Commissioners of
Customs upon Lt. Governor Bennet's letter, and the remonstrance
of the Assembly of Bermuda, relating to the loading and
unloading of ships in St. George's or Castle Harbour. They
further desire the Lord High Treasurer to direct that the
Commissioners of Customs be reminded of the Acts relating to
ports in Virginia and Maryland now lying before them for their
opinion. [*C.O.* 38, 6. *p.* 261.]

May 13. **917.** Virginia Merchants to the Council of Trade and Planta-
tions. Protest against an Act of Virginia enacting the measure-
ment of ships, by which they stand to pay above double the
tunnage they can load there. The said measurement is also
nigh $\frac{1}{4}$ th more than the cubicall measurement by which all ships
are built. Parliament made such a Law, but upon the just

1707.

reasons offered, repealed it the very next Sessions, *etc.* *Signed*, Micajah Perry, and 29 others. *Endorsed*, Recd. Read May 13, 1707. 1 p. *Enclosed*,

917. i. Demonstration of above measurements. 1 p. [C.O. 5, 1315. Nos. 55, 55.i.; and 5, 1362. pp. 222-224.]

May 13. **918.** W. Popple, jr., to Governor Hunter. Encloses packets
Whitehall. for New York and Maryland. [C.O. 5, 1362. p. 225.]

May 13. **919.** Council of Trade and Plantations to the Lord Bishop
Whitehall. of London, acquainting him with Mr. Baron's petition *etc.* See
May 5. [C.O. 38, 6. p. 260.]

May 14. **920.** E. Jones to the Council of Trade and Plantations.
Mr. Holland (May 8) will not be in England till Sept., and has
nothing against me, for I have a certificate from him in my
favour. *Prays* that a short day may be appointed for the
hearing, *etc.* *Signed*, Ed. Jones. *Endorsed*, Recd. Read May 14,
1707. $\frac{3}{4}$ p. [C.O. 37, 8. No. 6.]

May 14. **921.** Col. Jory, Agent for Nevis, to Thomas Hopkins. Last
Whitehall. time I discorsed my Lord Sunderland he promised he would
forward the Commissions for Nevis and St. Kitts. The packet-
boate being now going, I earnestly desire this affaire may not
be neglected, *etc.* *Signed*, Jos. Jory. 1 p. [C.O. 184, 1. No. 24.]

[May 14.] **922.** Col. Blackiston to the Council of Trade and Planta-
tions. I have read over the Law for Marriages lately passed
in Virginia. (1) They refer to ye Rubrick in ye Common Prayer
Book, wch. prescribes ye solemnising of matrimony, wch. is only
according to ye custome of England. (2) The County Clarks
being impow'ed by ye Law to grant licences is because that
Government is of a large extent, and to address ye Governor
for a licence some people have to goe above 100 miles. (3) In
ye clause wch. seems to restrane persons under age from marying
without consent (is possibly) grounded upon there growing
more rich, for in ye minority of times few persons had any
considerable estates in ye country and less mony in England.
(4) If servants of both sex, I mean covenant servants during ye
time of there servitude, be not strictly enjoyned from matrimony,
unless by ye consent of ye master, it would be a means to create
great confusion in ye Colony, and noe person would purchase
servants upon those termes. (5) Soe that in ye whole, except
ye clause restraining persons under age, I doe not conceive there
is anything irregular but what ye circumstances of ye place
requires. *Endorsed*, Recd. Read May 14, 1707. $1\frac{1}{4}$ pp. [C.O.
5, 1315. No. 56; and 5, 1362. pp. 225, 226.]

May 14. **923.** Governor Hunter to Mr. Popple. Acknowledges
Portsmouth. packets for Maryland and New York. *Signed*, Ro. Hunter.
Endorsed, Recd. Read May 19, 1707. *Holograph. Addressed.*
Sealed. $\frac{3}{4}$ p. [C.O. 5, 1315. No. 57; and 5, 1362. p. 228.]

1707.

May 14.
Whitehall.

924. W. Popple, jr., to Wm. Lowndes. Encloses memorial of Virginia Merchants (May 13) for the opinion of H.M. Commissioners of Customs. [C.O. 5, 1362. p. 226.]

May 15.
Whitehall.

925. W. Popple, jr., to Micajah Perry. Acquaints him with the above proceeding. [C.O. 5, 1362. p. 227.]

May 15.
Jamaica
Coffee-house,
London.

926. Sir G. Heathcote and Sir B. Gracedieu and others to Wm. Popple, jr. In reply to letter of May 13. The proper time for our fleete to sail for Jamaica is every year at Christmas, and to have 4 or 5 fourth-rate men of warr for our convoy. If this can be obtained, we shall not doubt of the same good success that we had the two first years of H.M. reigne, when by their sailing at that time our men return'd all in health, and we lost not one ship. On the contrary, the two following yeares being not able to procure the convoy to saile till Aprill or May, our ships arrived there in the hott, sultry, rainy, sickly season, and our men being fresh out of Europe, it destroy'd allmost halfe of 'em, that our ships came out halfe man'd, and when they gott through the Gulph of Florida, they alwayes mett with such storms (and will alwayes do so after the last of August), that what by floundering and what by the enemy (the fleet being seperated from the convoy), we lost each yeare one halfe of our ships. By these disasters, occasion'd by the ill timing of our convoys, we are quite discouraged and all dependance upon promises lost. And these are the reasons why the Spanish trade has been neglected, the vent of so much of our manufacturs lost, besides the disappointment of much treasure, which we should have received in returne thereof to our owne as well as the Nation's great losse. *Signed*, Gilbert Heathcote, B. Gracedieu and 24 others. *Endorsed*, Recd. Read May 16, 1707. 1 p. [C.O. 137, 7. No. 49; and 138, 12. pp. 92, 93.]

May 15.
Barbadoes.

927. Governor Crowe to the Council of Trade and Plantations. On May 8 we ariv'd heare, and the next day (with the accustomed siromony) I tooke posestion of the Government, which I finde in ye last destracktion, nothing butt corruption and parties, which your Lordships may depend I shall usse all endeavors to heale and amend, and doubt not but in few dayes to gett such an insight into all affaires as to be able to lay them before your Lordships etc. *Signed*, M. Crowe. *Endorsed*, Recd. 28th, Read 29th July, 1707. 1 p. [C.O. 28, 10. No. 27; and 29, 11. p. 84.]

May 15.
Barbados.

928. Same to the Earl of Sunderland. *Duplicate of preceding.* *Endorsed*, R. Aug. 9. [C.O. 28, 38. No. 63; and 28, 43. No. 20.]

May 16.
Whitehall.

929. W. Popple, jr., to the Attorney General. The Council of Trade and Plantations desire your opinion upon the complaint of Sir T. Lawrence concerning an Act of Maryland etc. Papers enclosed. [C.O. 5, 726. pp. 443-446.]

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May 16.
Whitehall.

930. W. Popple, jr., to Charles Nodin. Since my having delivered to you this morning the papers relating to Mr. Jones, the Council of Trade and Plantations acquaint you that they positively expect you should forthwith make out Mr. Jones's charge and deliver the same to him without fail on Wednesday, and return to me on the same day the said papers. [*C.O.* 38, 6. *p.* 263.]

May 16.

931. Bishop of London to W. Popple. I was surprized to find Mr. Baron make a second application, after I had undertaken for ye Governour to give him an answer. If the Council of Trade and Plantations will refer it to me, they shall not need to take further notice of his complaint, *etc.* *Signed*, H. London. *Endorsed*, Reed. Read May 16, 1707. *Holograph. Addressed.* $\frac{1}{2}$ *p.* [*C.O.* 37, 8. No. 7; and 38, 6. *p.* 262.]

May 16.
Whitehall.

932. Earl of Sunderland to Governor Handasyd. Commends to his favour Lewis Galdy, a merchant in Jamaica. *Signed*, Sunderland. [*C.O.* 5, 210. *p.* 18.]

May 17.
Whitehall.

933. The Earl of Sunderland to the Council of Trade and Plantations. Mr. Popple, your Secretary, having by reason of his age and indisposition desired leave to resigne his place to his son, H.M. in consideration of his faithfull services has *ordered accordingly.* *Signed*, Sunderland. *Endorsed*, Reed. Read May 19, 1707. 1 *p.* [*C.O.* 388, 76. No. 20; and 389, 36. *pp.* 326, 327.]

May 19.
Whitehall.

934. W. Popple, jr., to Mr. Solicitor General. Encloses, for his opinion in point of law, Acts of Virginia, 1705 (1) *for naturalization*, (2) *establishing the General Court.* [*C.O.* 5, 1362. *p.* 227.]

May 19.

935. Mr. Jones to the Council of Trade and Plantations. Prays for the perusal of the papers in the office against him, and that the case be heard according to their last order, on June 9 peremptorily, *etc.* *Signed*, Ed. Jones. *Endorsed*, Reed. Read May 19, 1707. 2 *pp.* [*C.O.* 37, 8. No. 8; and 38, 6. *pp.* 264-266.]

May 19.
Whitehall.

936. Council of Trade and Plantations to the Earl of Sunderland. Col. Handasyd having in several of his late letters given us an account of the dulness of trade between Jamaica and the Spanish coast by reason of the want of wollen manufactures and other goods from England, we summoned the Agents of Jamaica and the merchants concern'd in that trade, and discoursed them thereupon. *Quote* memorial, May 15, and the substance of their conversations. *See Journal of Council of Trade.* We desire your Lordship to represent to H.M. our humble opinion that the trade to Jamaica is of the highest importance to England, by the great quantity of bullion and other commodities of considerable value imported from thence, in

1707.

return of our manufactures and other merchandizes; that it is absolutely necessary that Trade be effectually secured, and improved as much as possible, and therefore, that there be a convoy of 4 or 5 fourth-rate ships of war ordered to sail by the latter end of Dec. next, and that the merchants be satisfied that the convoy shall not be delayed to a longer time, which will encourage the merchants to ship their goods, and enable them to carry on this beneficial trade. [C.O. 138, 12. pp. 94, 95.]

May 20. **937.** Order of Queen in Council. T. Belman is to be
St. James's. admitted to the Council of Nevis. *Signed*, John Povey.
Endorsed, Recd. Read June 17, 1707. 1½ pp. [C.O. 152, 7.
No. 10; and 153, 10. pp. 18, 19.]

May 20. **938.** Order of Queen in Council. Peter Sonmans is to be
St. James's. admitted into the Council of New Jersey (May 9). *Signed*, John
Povey. *Endorsed*, Recd. Read June 17, 1707. 1½ pp. [C.O.
5, 970. No. 48; and 5, 994.A. pp. 308, 309.]

May 20. **939.** Lords Proprietors of the Bahamas to the Council of
St. James's. Trade and Plantations. *Pray for* H.M. approbation of Robert
Holden as Governor of the Bahama Islands, his presence there
being of absolute necessity for the preservation of our said
Islands, and the ships bound thither goe within a fortnight.
Signed, Granville, Palatine, Craven, Berkeley, Carteret, M. Ashley,
J. Colleton. *Endorsed*, Recd. Read May 21, 1707. 1 p. [C.O.
5, 1264. No. 1; and 5, 1292. p. 1.]

May 21. **940.** R. Holden to the Lords Proprietors of the Bahamas etc.
Report upon the present state and products of the Bahamas
and Carolina. *Cf.* Reports of Graves and Killigrew, 1706.
The inhabitants of the Bahamas, scattered on the several islands,
may amount to 500 men fit for service, etc. The Bahamas rival
"St. Helena and Bermoodas Islands, ye famed places of ye world
for health." North Carolina has barr'd inletts, which spoyles
ye trade: none but small vessells from New England and
Bermoodas trades there; ye soyle is more lusty yn South
Carolina, which has good inletts, as Port Royal. Produce,
rice, silk, tobacco, skins, pork and beefe in abundance, insomuch
as H.M. ships are victualled wth. it, at Jamaica and in ye Caribbee
Islands etc. The great growth of the Colony due to the timely
supplies the Lord Proprietors sent thither upon the first settle-
ment, to above 30,000*l.*; now reckoned one of ye best plantations
belonging to ye Empire of Great Britton etc. *Prays* for dispatch
of H.M. approbation. *Signed*, Robt. Holden. *Endorsed*, Recd.
Read May 23, 1707. *Holograph*. 3¼ pp. [C.O. 5, 1264. No. 2.]

May 21. **941.** H.M. Letters Patent to George Gordon, Provost Marshal
Westminster. in Barbados. *Countersigned*, Cocks. I declare my allowance
of *preceding*. Dec. 4, 1707. *Signed*, M. Crowe. [C.O. 319, 1.
pp. 86, 87.]

1707.
May 22. **942.** Mr. Baron to the Council of Trade and Plantations. I waited upon the Bishop of London (*cf.* May 16) who acquaints me that there are several affidavits in the hands of Sir John Bennett charging me with several crimes and indecencys. *Prays* that they may be laid before the Board and that he may have copies and time to make his defence, *etc.* *Signed*, Robt. Baron. *Endorsed*, Recd. Read May 22, 1707. $1\frac{1}{2}$ pp. [*C.O.* 37, 8. No. 9; and 38, 6. pp. 266, 267.]
- May 23.
Whitehall. **943.** W. Popple, jr., to Mr. Solicitor General. Encloses, for his opinion in point of law, Acts passed in the Massachusetts Bay, 1701—1706 (*enumerated*). [*C.O.* 5, 912. pp. 361—372.]
- May 23. **944.** Mr. Thurston to Wm. Popple. *Prays* for letter to Mr. Burchett for an order to the Commander of the Convoy to convey the money and clothing of the Newfoundland Garrison. *Signed*, J. Thurston. *Addressed*. *Sealed*. *Endorsed*, Recd. Read May 23, 1707. 1 p. [*C.O.* 194, 4. No. 26; and 195, 4. p. 381.]
- May 23. **945.** Wm. Popple to Josiah Burchett. Moves as desired in preceding. [*C.O.* 195, 4. p. 382.]
- May 23.
Admiralty Office. **946.** J. Burchett to Wm. Popple, jr. Encloses an Order to the *Advice*, as desired above. *Signed*, J. Burchett. *Endorsed*, Recd. Read May 26, 1707. *Addressed*. 1 p. [*C.O.* 194, 4. No. 27; and 195, 4. p. 382.]
- May 26.
Boston. **947.** Governor Dudley to Mr. Popple. I am glad the last year's accounts and papers arrived well in the *Dover*; I have no conveyance for any thing of value till the mast ships shall arrive and return again, which I hope will be after Michaelmas, but take this opportunity round Scotland to kiss your hand with one line, praying you will please to present my duty to their Lordships at the Board, and I humbly by your hand offer them the present state of the Council of Piscataqua. There are three dead and two removed since I came hither, and two more of a very great age, that there is great necessity of a supply, for which I have set down the names of the best men of estate and loyalty, and in the order I think best they should enter. Mr. Waldron is not yet sworn because the warrant is not yet come to hand; the Gentlemen tell me in all times past there was no warrant for any Councillor brought in, other than the letter from the Lords governing the Plantations, but I don't presume to enter him at the Board, because their Lordships have directed me to expect H.M. warrant for Waldron's admission *etc.* I have passed the winter very well with the Indians and French from Quebeck. They have been disappointed and discouraged, finding me every where in the frontiers ready, and my people have kept them from their winter fishing and almost starved them, and twice fell upon two little parties of them and kill'd above 20 of them and some of the chief. And

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I have now abroad 20 brigantines and sloops with 1,000 musqueteers ravaging all along the coast of L'Acadie and Nova Scotia to destroy the French Settlements and make room for a Colony of North Brittans if H.M. shal so please, which will be much more worth than any thing in Scotland; if the ship stays a week I hope to add the account of their proceedings, they advanced May 13 from home, since which I have not heard of them; the inhabitants of these Provinces are greatly charged with the expence of the warr, but under no discouragement, but in their Generall Assembly and everywhere say they are well defended and supported, and are easy under the Government, which makes me very easy, tho' in a constant hurry with my ill neighbours, who are not enemys but wolves and bears towards me in their management. I have no commands from their Lordships since my last. *Signed, J. Dudley. Endorsed, Recd. 24th, Read July 28th, 1707. 1½ pp. Enclosed,*

947. i. List of Councillors of New Hampshire. Nathaniel Fryer, George Jaffray and Henry Dow are dead; Col. Partridge and John Hilton gone out of the Province; Peter Coffin and Nathl. Ware are between 70 and 80 years. William Vaughan, Robert Eliot, John Gerish, John Plaisthead. The following are nominated by Col. Dudley:—Winthrop Hilton, Joseph Smith, Mark Hunting, George Vaughan, Thomas Phipps, Theodore Atkinson. *Signed, J. Dudley. 1 p. [C.O. 5, 864. Nos. 188, 189; and 5, 912. pp. 379–381.]*

May 28.
Whitehall.

948. Council of Trade and Plantations to the Earl of Sunderland. Enclose following to be laid before H.M.

948. i. Council of Trade and Plantations to the Queen. Report on petition of Wm. Cleland etc. against Col. Sharpe. *See March 27, 1707. Recite the substance of their complaints and of the evidence heard before the Board, for which see Journal of Council of Trade, and documents abstracted supra.* Whereupon we humbly represent, that as to the Articles wherein the President is charged with having dissolved the Assembly and called a new one, without the advice and consent of the Council, such powers ought not to have been exerted but with the advice and consent of the Councill, as your Majesty's Commission and Instructions do direct. Yet in regard the dissolution of the old Assembly and the calling a new one was thought necessary upon the Addresses of the Inhabitants, that it was purely to quiet the minds and for the general good of your Majesty's subjects of that Island, by applying a proper remedy to the inconveniencies arisen by the Paper Act, as directed by your Majesty Nov. 8, 1706, and since therein the President acted by and with the advice and consent of such of the Councill as would then be present (the petitioners wilfully absenting themselves though often summoned) and that it was done upon the opinion as well of your

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Majesty's Attorney General, as of the other Council at Law then likewise present (as by the Minutes of Council does appear), for these reasons we cannot think he has been guilty of such mal-administration or misbehaviour in respect to those proceedings as to incur your Majesty's displeasure; and we are the rather of this opinion since your Majesty, by your late Additional Instruction [see April 22] has thought fit in the absence of a Governor *etc.* to vest in the President the full powers of a Chief Governor, whereby the like disputes and mischiefs will be effectually prevented for the future. As to the other matters wherewith the President is charged in the said Petition, and to which no proofs were produced by the petitioners, we humbly submit it to your Majesty, whether a further time should be allowed them to be heard thereunto; but we observe that the Order of Reference upon the said Petition bears date March 27, 1707, that the hearing of it was brought on May 20 by the agent for the petitioners, and the day settled by consent of both parties, so that we conceive the petitioners or their agent cannot with any reason pretend a want of sufficient time to make good all the obligations therein contained; besides that two of the said Articles viz., 1 and 3, have been disproved. Lastly we beg leave to observe on this occasion, that if effectual care were taken by the several Governors to oblige the Members of your Majesty's Council in this and other your Majesty's Plantations, to a due attendance in Council on pain of your Majesty's high displeasure, it may greatly conduce to the strengthening the administration of those Governments, and prevent such like causes of complaint for ye future. [C.O. 29, 11. pp. 1-24.]

May 28.
Whitehall.

949. Wm. Popple, jr., to the Bishop of London. The Council of Trade and Plantations having under consideration the Acts passed in Virginia in 1706, send you the Act *for the effectual suppression of vice and restraint and punishment of Blasphemous, Wicked and Dissolute Persons*, together with the Council and Assembly's reasons for altering the said Act contrary to the amendments formerly made by this Board (see Minutes of Council of Virginia, June 20, 1706). Their Lordships conceive that the age of the persons punishable for not coming to Church ought not to be limited to 21 years, but rather to 15, because tho' such persons having nothing to pay, yet their parents, if they were punishable for their children's absence from Church, wou'd take more care of their education. However, they desire your Lordp's. opinion upon the said Act. [C.O. 5, 1362. p. 228.]

May 28.
Whitehall.

950. W. Popple, jr., to Sir James Montague (Solicitor General). Encloses Act of Virginia, 1706, *concerning Juries*, for his opinion in point of law. [C.O. 5, 1362. p. 229.]

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951. Attorney General to the Council of Trade and Plantations. Report on Laws of Virginia, Dec. 1700–Aug. 1702, *enumerated*. Some are expired and one repealed. The rest are agreeable to law and justice, and do not contain anything prejudicial to H.M. prerogative, save in such points only as are hereinafter mentioned:—(1) The Act exempting the French Refugees from publick and county levies for 7 years, I have no objection to, provided the levies are taken to be such as were in force at the time of making that Act. (2) As to the Act for ye revisal of ye Laws, I having not seen the powers given by ye Act of 1699 referred to by this Act, I cannot judge whether this be proper to be confirmed. If the powers thereby given be to make laws, it is not (I conceive) fitt to be confirmed; if onely to prepare to lay before the Assembly, it will need no confirmation. (3) The Act for apprehending an outlying negroe who has committed diverse robberies and offences, attaints a negroe slave alledged to be a robber, without giving him a day to render himself, which I think is not reasonable. (4) As to the Act for strengthening the frontiers *etc.*, I have no objection to it, if your Lordps. be of opinion the quantity of land allow'd to ye settlemt. on the frontiers be not too much. (5) The Act to prevent masters of ships running away after embargoes are laid is not fitt to be confirmed absolutely, but for a certain time and till H.M., her Heirs *etc.* shall in Council order otherwise, ffor it may happen that an ill use may be made by laying imbargoes there for private ends to ye prejudice of trade. *Signed*, Edw. Northey. *Endorsed*, Reed. Aug. 4, 1704, Read May 28, 1707. 3½ pp. [C.O. 5, 1315. No. 58; and 5, 1362. pp. 229–232.]

[May 28.]

952. Copy of Act of Virginia *for ascertaining the current rates of foreign coins, etc.* *Endorsed*, Reed. Oct. 8., 1705, Read May 28, 1707. Referred to in Col. Nicholson's letter, July 25, 1705. 1½ pp. [C.O. 5, 1315. No. 58.A.]

May 30.

953. Mr. Thurston to Mr. Popple. I have got the cloathing on board. By Mr. How's putting the last year's demands upon his paper for the Treasury, the same is ordered. But as to the mony for this year, there is nothing done. How great the discouragement will be to the Garrison, to be again a whole year without mony, weh. always till the last year was payd in advance to them, as a matter absolutely necessary for the service, and so thought by the Council of Trade, I submit to your consideration. I have no means left me to get payment time enough for the Fleet, unless the Lords will signify to Mr. How the necessity of it *etc.* *Signed*, J. Thurston. *Endorsed*, Reed. Read May 30, 1707. 1½ pp. [C.O. 194, 4. No. 28; and 195, 4. p. 383.]

May 30.
Whitehall.

954. W. Popple, jr., to Wm. Lowndes. The Council of Trade and Plantations being sensible of the hardships the soldiers at Newfoundland undergo in that country desire you to lay *preceding* letter before my Lord High Treasurer, and to move

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his Lordship for one year's advance for their subsistence, which will be great encouragement to them, and prevent their deserting to the French, and will very much tend to H.M. service in that place. [C.O. 195, 4. pp. 383, 384.]

May 31. **955.** Mr. Mellish to Thomas Corbin. I have despatched
Portsmouth. all your letters *etc.* Ye Virginia fleet is now under sayle. *Signed,*
J. Mellish. *Postmark.* 1 p. [C.O. 5, 1315. No. 57.A.]

May 31. **956.** Mr. Dummer to W. Popple. Sailings of the *Antegoa*
London. packet-boat. Out and home, 104 days. The fears they had
of a squadron of French at the Leeward Islands is vanished,
for if any has come into those seas, they are gone to Leeward,
and all is quiet at Jamaica. *Signed,* E. Dummer. *Endorsed,*
Recd. 2nd, Read 5th June, 1707. 1 p. [C.O. 323, 6. No. 35.]

June—Aug. **957.** Permits for 5 ships to sail without convoy in the West
Indies. [C.O. 5, 210. pp. 37, 39, 54, 55.]

June 2. **958.** Bishop of London to Wm. Popple. I have carefully
Fulham. perused the Act [*of Virginia, for the suppression of vice, etc.*].
I do think it is a very dangerous thing to exempt young people
from 15 to 21 from being liable to any punishment for their
immorality. It will certainly be an inducement to them to
take it for an indulgence to all licentiousness during that time.
That part of the Act likewise, wch. makes the Clergy liable to
the same punishmts. with the Lay-Offenders, is to expose them
to the last degree; especially since they are liable to be corrected
by ecclesiastical censures. *Signed,* H. London. *Endorsed,*
Recd. 2nd, Read 5th June. *Holograph.* *Addressed.* $\frac{1}{2}$ p.
[C.O. 5, 1315. No. 59; and 5, 1362. p. 232.]

June 3. **959.** Mr. Secretary Harley to the Council of Trade and
Whitehall. Plantations. Encloses following for their report with all speed.
Signed, Ro. Harley. *Endorsed,* Recd. 4th, Read 5th June, 1707.
1 p. *Enclosed,*
959. i. Proprietors of the Bahamas to the Queen. *Pray for*
H.M. approbation of R. Holden as Governor of
"Providence and their other Bahama Islands." *Signed,*
Granville, Craven, Berkeley, Carteret, M. Ashley, J.
Colleton. 1 p. [C.O. 5, 1264. Nos. 3, 4; and 5, 1292.
pp. 2, 3.]

June 5. **960.** Order of Queen in Council. S. Beresford is appointed
St. James's. Member of Council of Barbados. *Signed,* John Povey. *Endorsed,*
Recd. Read June 17, 1707. $1\frac{1}{4}$ pp. [C.O. 28, 10. No. 25;
and 29, 11. pp. 63, 64.]

June 5. **961.** Governor Crowe to the Council of Trade and Planta-
Barbadoes. tions. Since my last (copy enclosed), I have (with the Engineer,
Col. Lilley) been to view all the forts and fortifications, severall
of which I find very irregular, ill placed, and all wanting of repairs,

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indeed the best cannot be term'd anything but a Battery, and that without either entrenchment, or stockade. When the new Castle of St. Ann's is finish'd, it will be the only strong place in ye Island. The trenches are not half finished, nor do I see any hopes of their being compleated without an allowance out of the $4\frac{1}{2}$ per cent. The Assembly's Address will let your Lordships into the many difficultys I have to strugle with to reforme this (almost lost) Government. I thought it best to take their informations as well as the (most impartiall) private ones before I made any alteration in the Councill, in which I perceive it is H.M. pleasure Mr. John Holder should be a Member, notwithstanding the complaints that has been made agt. him as one of the cheif promoters of the paper credit. Commodore Wager arrived here last Saturday with 9 of H.M. and 24 merchant ships, he sayles again this day for the Leward Islands. I was in hopes to have been honour'd with a letter from your Lordships by that conveyance, having received not so much as a line from any about the Court since I left it, and it's now above 15 weeks since the last packet boat came from Plymouth, soe that we fear some miscarriage to the next in course, which we have been a month expecting. The private and publick representations against the late established Cartell is the reason that I have not ratified it untill I know H.M. pleasure therein. Five days agoe a Flagg of Truce arrived here in three from Martineco, and brought 18 prisoners, wch. a sloop (almost wholly navigated by negroes) had taken out of two small vessels comeing from New England. The Masters of said vessels tell me that the report at Martineco was that the French squadron that lately left Brest, were arrived in the Spanish West Indies, and that a French man of war about three weeks agoe sayled from Martineco for Europe with four rich ships, whereof one was a Spaniard, soe that they have none now left there, but daily infest this coast with their sloops and small privateers. To avoid all disputes and heats, wch. I am informed might arrise by commissionating a Judge for next Grand Sessions, I intend to sit myself there to see the Laws duly executed, and have already distributed such orders as I found necessary for the peace and safety of the Island, wch. has been so miserably divided into parties, only to support private men's interests for obtaining places of profit, without any regard to the publick. There has been an Act past to relieve the sufferers by that of the paper credit, but the confusions and animositys of the Government were such that it is very imperfect, but at this criticall juncture not to be amended, when soe many ships lyes ready for their ladeings, wch. cannot be otherways purchased then on the validity of said Act, but I shall embrace the first good opportunity to regulate it, conformable to H.M. intentions, and I hope to the satisfaction of all concerned. Since the proclamation of pasing none but weighty money it has been all carried from this place to the entire destruction of trade, wch. I hope your Lordships will be pleased to consider, especially seeing (as I am informed) none of the other neighbouring Islands do observe it. It would be an advantage to our trade and H.M.

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friggets that attend the Northern Colonys (who loose most of their men by laying up in winter there) to convoy the trade from thence here, and soe returne againe in the season. *Signed, M. Crowe. Endorsed, Reed. 28th, Read July 29th, 1707. 3 pp. Enclosed,*

961. i. Address of the Assembly of Barbados to Governor Crowe. They look to H.E.'s approved character both for peace, war and commerce to redeem them from miseries equalling Egyptian Slavery. "Then wee shall not be pressed to submitt to standing armies or martiall Law to governe us; then the publick money will not be applyed to pay great annual stipends not warranted by law; our forts will not then require such vast expence and time to amend them, when ye enemy is at our door, and publick mony, which before was appropriated to that use by a Law, diverted to another channel; then justice will neither be bought or sold, or orders on ye Treasury forwarded or postponed to oblige friends or gaine money; then no exorbitant Fees will unreasonably be extorted by ye Pattent Officers contrary to Law; then no pernicious Act of Creditt, out of self interest, though to ye ruin of our traid *etc.*, will be forc'd upon us; then no person will dare to project a scheme of Government as can subsist only by tricks and arts to satisfie avarice and ambition, or endeavour to putt the same in execution; then ye Representative body of ye people will be maintain'd in their just rights and libertys *etc.*; then there will be subornation of evidence; then writts of *ne exeat insulam* and sequestrations will not be granted against persons of reputation and unincumbred estates, so that some have suffered in their interests and others in their lives, *etc.*; then ye frequent binding persons to ye Grand Sessions, where no crime appears sufficient to ground an indictment *etc.* will be out of use; then persons in durance on sham plotts will not be threatned with the loss of their lives, if they submitted not to ye payment of great summes of money; then no person of a ffreehold that's considerable will be expos'd to undergoe corporall punishment when able and willing to fine 1,000*l.* sterl. to ye Queen rather than to suffer the scandall and severe execution of being whipped through ye Towne, and all this for no other reason than passionate expressions against ye person that struck him in breach of ye peace; then an order of the Judges will not be thought sufficient to deny the right of an established law to ye subjects, thereby greatly to profit a few, though ruine to others of ye like profession, and oppressive to ye inhabitants in generall; then there will be no dispensing with laws to bring unqualified persons into places of ye greatest trust, from whence others of considerable estates and known abilitys were thrust out without reason; then there will be no occation

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to deny or delay the Representatives to examine into evill actions, or to take a review of ye publick accounts, which are kept from them to prevent bringing to light how ye mony raised from ye people had been misapply'd, *etc.*; then there will be no occasion for countenancing elections of Representatives or ye Members of H.M. Council to goe from door to doore to sollicite votes to introduce a favourite into ye Assembly, we fear for evill ends; then Sherriffs will not dare browbeat the Freeholders for not voteing according to their inclinations, and others abruptly to close ye polle contrary to law, with designe to make a false returne; then ye Provost-Marshall and Constables under pretence of warrants will not be admitted to terrifie the poor freeholders from their votes in such manner that many were necessitated to take sanctuary in ye churches all night to preserve their liberty of giving their voice for a Representative ye succeeding day; then it will not be thought reasonable for persons to exercise the trust of Judges in ye Courts of Common Please, and at ye same time to be Members of Council; then there will be no stopp to Fleets of merchants ships under saile, thereby exposing them and the trade of this Island to eminent danger of ye Enemy, and for no other reason than private advantage; then persons for their pleasure will not be admitted to waste the publick stock of powder in ye severall forts under their command; then it will be reasonable to enquire whether ye late Cartell with French at Martinique is for ye advantage of particular persons, *etc.* If your Excellency will indulge us the liberty of laying a Bill before you to empower an unprejudic'd Committee to examine on oath the truth of all these matters, wee may have great hopes of a good effect, *etc.* *Signed, Wm. Wheeler, Speaker, Ried. Downes, Tho. Maycock, Edmd. Sutton, Tho. Neales, Nathl. Webb, Wm. Carter, Wm. Leslie, Wm. Trans, Jno. Gibbs, Samll. Adams, Jams. Vaughan, Robt. Yeamans, Wm. Cole, Jno. Maycock, Thos. Maxwell, Saml. Maynard, Jno. Frere, Jno. Hallett. Endorsed as preceding. 1 large closely written p.*

961. ii. Governor Crowe's Reply to *preceding*. Returns thanks. You may be assured Justice shall be equally distributed and my best endeavours spent in redressing those grievances you have heretofore laboured under and now complaine of. To that end I shall esteem your advice and assistance, particularly for discovering the promoters and advisers of that pernicious late law called the Paper Act, the passing whereof has been distructive to ye credit and traid of this Island. I shall represent those persons to H.M. favour, who I find have justly meritted the esteem of their Country, and at all times readily concurr with you in proper

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measures for restoreing the tranquility thereof, and to that great end I heartily recommend to you peace and union etc. *Same endorsement.* $\frac{3}{4}$ p. [C.O. 28, 10. Nos. 28, 28.i., ii.; and (without enclosures) 29, 11. pp. 85-89.]

June 5. **962.** Governor Crowe to the Earl of Sunderland. Duplicate
Barbados. of preceding letter. *Signed, M. Crowe. Endorsed, July 28.*
3 pp. *Enclosed,*

962. i., ii. Duplicates of No. ii. *above.*

962. iii. Duplicate of No. i. *above.* [C.O. 28, 43. Nos. 21, 22, 29, 30.]

June 7. **963.** Governor Lord Cornbury to the Council of Trade and
New York. Plantations. In my letter of Nov. 18, 1706, I did acquaint your Lordships that the Assembly of New Jersey, which was to have met at Amboy on Oct. 24, did not sit by reason of the Speaker's indisposition and the absence of severall of the Members who did not think fit to attend their duty, and that I had adjourned the Assembly to meet at Burlington March 12, 170 $\frac{6}{7}$, and that after that, I had resolved to dissolve that Assembly, which I did, and issued writs for the chusing a new Assembly according to the directions contain'd in H.M. additional Instruction, they were to meet on March 25 at Burlington, but all the Members did not get together till April 5, on which day I directed them to chuse a Speaker, whom they presented to me on April 7, their choice fell upon Samuell Jennings, a Quaker, who had been a Member of the Council, and but the last fall had desir'd to be dismiss'd from the Council for the reasons I then acquainted your Lordships with, but now it appeared very plainly that the true reason why he desired to be dismiss'd from the Council was that he might be chosen into the Assembly, where he knew he could oppose the Queen's service more effectually then he could doe in the Council, I was once of opinion that I ought not to admit a man to be Speaker of the Assembly, who had refus'd to continue to serve the Queen in the station H.M. had been pleased to put him, but having communicated my thoughts to some of the Council, and particularly to Coll. Quarry, they told me they did not like the man, but they were of opinion that if I did reject him, the House would make use of that as a handle to refuse the doing anything, that therefore they could wish I would allow their choice, that they might have noe excuse, upon this I did allow the choice they had made of Jennings to be Speaker, and in my Speech I acquainted them what I thought necessary to be done (*enclosed*). The Assembly met, and instead of proceeding upon the matters I had proposed to them, or upon any other thing that might have been of use to the country, they set up a Committee of Grievances, and spent a whole month in finding out grievances which nobody in the Province had heard of before; what those were your Lordships will perceive by the enclosed paper, which is a true copy of the Remonstrance they deliver'd to me, and

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the answer I made to it, and which I did not deliver to them till I had imparted it to the Gentlemen of the Council, who all approved of it, except Mr. Deacon, who is a Quaker; and now I beg leave to disgresse a little to acquaint you with the behaviour of Mr. Lewis Morris, your Lordships were pleased to command me to restore Mr. Morris to his place in the Council upon his submission, in answer to which I did acquaint you that as soon as Mr. Morris should doe the one I would immediately doe the other, but he has been soe farr from making the least submission that he has never come near me since I received your Lordships' commands, but among his friends he has bragged that he could take his place in the Council when he pleased, but that he did not value that, and indeed since it appears what his intent was, for he has got himself chosen of the Assembly, and Morris and the Quaker, Samuel Jennings, are the two men that have hindred the Assembly from settling a Revenue, or from doing anything else this last Sessions. Mr. Morris is the man that drew the Remonstrance, he is the man that mov'd the severall heads in the House, and that caused all the resolutions of the House to be entred in the Journalls *nemine contradicente*, when some Members were absent, and others who were present dissented, as severall of them have told me. In the beginning of the Assembly when they agreed to find out grievances to amuse the ignorant people, and squander away the time, the House resolved itself into a Committee of the whole House to seek after grievances, or rather to receive the heads of imaginary grievances, the produce of Mr. Morrisses peevish brain, the first step they made was to order their Clerk to withdraw, he told them he could not doe it without a breach of his oath, that he was an Officer appointed by the Gouvernement, and under an oath to attend the service of the House at all times. Mr. Morris told him that he was the servant of the House, and that the House might doe what they pleased with their servants, he told Mr. Morris that he was a servant to the Queen, as well as to the House, and that the ordering him to withdraw looked as if he had something to say that he was not willing the Gouvernour should know, upon this they would not suffer the Clerk to take the Minutes, but appointed one of their own Members to act as Clerk, hearing of this, I sent for the House, and told them in a short speech how irregularly they had proceeded, and advised them to take into consideration those things I had recommended to them, in a few days after they addressed to me for another Clerk, complaining against Mr. Anderson, who was then their Clerk, for the answer he had given Mr. Morris, which they pretended was given to the House, Mr. Anderson was made Clerk to the Assembly upon the recommendation of severall of the Council, and severall of the Members of the first Assembly, even some of those who now are so angry with him, he is an honest, sober man, and a good Christian, and has behaved himself with unspotted fidelity and unwearied dilligence and care in his place, nevertheless because I would [le]ave those Gentlemen without any excuse for their not dispatching the matters before them,

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I did remove Mr. Anderson, and I put in one Mr. Pinhorn, son to one of the Gentlemen of the Councill, and one against whom they can have noe objection that I know of, neverthelesse they would not suffer him to serve as Clerk to the Committee of the whole House, but made one of their own Members act as Clerk, which can be for noe other reason but because they would not have me know what they were doing, they proceeded in the same manner that they had done before, and thinking they had found out something to accuse me of, they sent for severall persons in custody of their Sergeant at Arms, and examined them upon oath, hoping to prove that a certain sum of money was raised privately, and given to me to procure the dissolution of the first Assembly, but when the witnesses had said what they could, they found it would not answer their expectation, then Mr. Morris, who was Chairman of the Committee of the whole House, tendred an oath to Capt. John Bowne, one of the Members, Capt. Bowne told him he had noe power to administer an oath to him, and therefore he would not take it; upon this the House expelled Capt. Bowne, and then went on in making such votes as they thought fit, out of which they framed their Remonstrance, *etc.* I must beg your Lordships soe farr to stand my friends with the Queen that I may have leave to take such measures to obtain satisfaction from those Gentlemen for the extravagant injury they have done me, as the Law will allow; this, I hope, will not appear unreasonable, and therefore I take the liberty to ask your favour in this matter. Upon this occasion I think myself obliged to observe some things to your Lordships, and particularly with respect to the Assemblys in these parts, the Queen is pleased to command those that have the honour to serve H.M. as Gouvernors of Provinces to call and hold Generall Assemblys, the Gouvernor in obedience to those commands issues writts to call an Assembly, which meets at the time appointed, the Gouvernor, after they have chosen a Speaker, acquaints them what he thinks necessary or proper to be done that Sessions, the Assembly does not like some of the things proposed to them, (tho' perhaps they are propos'd to them by the Queen's immediate command) they trifle away their time, severall Members obtain leave to goe into the country upon their private affairs, the House by that means grows thinn, and then noe businesse can be done, so the Gouvernor is forced to adjourn the Assembly to another time, when that time comes, the Members being resolved not to doe what is required, the major part of the Members don't appear, soe there can be noe Assembly, noe support can be had for the Gouvernment, nor can anything else be done for the good of the Country, this has been the case more than once in the Province of New Jersey, and particularly the last Fall, when the Assembly was to have met at Amboy; it has been said by several persons that it is true the Gouvernor has a negative voice, and we can fit him as well, for if we don't meet he can have noe Assembly, and then nothing can be done, he can't force us to attend if we have noe mind to it; he can but dissolve the Assembly, and call another, most of the same men will be chosen

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again, and they will take the same course; and indeed I must say, that will be the case as long as the Quakers are admitted to serve in the Assembly; I wish some method might be found to oblige the members, when chosen, to attend their duty, it is noe small charge to me, and to the Gentlemen of the Councill, to attend upon all occasions of the sitting of the Assembly, but that we are well contented with, but we can't help being concerned to find our endeavours defeated by a few obstinate fellows, who would never, if they could help it, be under any Government but their own; I hope your Lordships will be pleased to consider this matter, and favour me with your commands in it; In Washington's Abridgment, 7th and 8th of King William cap. 34, relating to Quakers, in the 7th paragraph, it is said, "Noe Quaker or reputed Quaker shall by virtue of this Act be qualified to give evidence in any criminall cause, to serve on any Jury, or bear office or place of profit in the Gouvernement." For this reason I have not suffered any Quaker to have any office in the Gouvernement of New York, but in the Gouvernement of New Jersey the Queen was pleased to command me to admit such Quakers as were capable into any office, in obedience to which I have put severall of them into imployments, but I have always found them obstinate, unwilling to be ruled, never forwarding, but still interrupting businesse; what Quakers would be had they power in their hands, and which they are very fond of, appears very plainly in the Province of Pensilvania, where noe man can tell what is his own, or how to get what is justly his due; and now I am mentioning Pensilvania, give me leave to mention an accident that hapned in those parts lately, when I was last at Burlington, I thought it a proper time to visit the lower parts of the Province of New Jersey, in order to the doing whereof, I ordered a sloop to be got ready to carry me to Cape May, which is about 150 miles from Burlington downe the River Delaware, and is the extreamest part of the Province of New Jersey Southward. I proceeded on my voyage as farr as 6 miles below Salem, which is about 80 miles below Burlington, and there meeting with contrary winds, I put into Salem, where I stayed severall days windbound, it seems during the time I was at Salem, Col. Evans was beginning to erect a fort at Newcastle, and had got an Act of Assembly past in the Lower Countys for the laying a duty of half a pound of powder a tonn upon all vessells that should sail by Newcastle, and the intent of that Fort was to make them pay it; a sloop belonging to some of the chief Quakers of Philadelphia being laden, and ready to sail for Barbadoes, came downe the River, when she was within a mile of Newcastle the Custome-house officer went off and went on board the sloop, demanded of the Master his register, and his clearing, which he readily produced, the officer told him he must come to an anchor, upon that one of the owners told the Custome-house officer that the wind being fair, it would be a great prejudice to them to be stopped a whole tide, espetically considering that Northerly winds are very seldom to be had in the spring, the officer told him if he would not come to an anchor, he would carry away

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his register, which he had in his hand, upon that the owner snatcht the register out of the officer's hand, upon which the officer went into his boat and went on shore, the sloop continued her course, and when she came over against Newcastle, Coll. Evans ordered a gun to be fired at her, which was done, a second gun was fired, which went over her, but the sloop made all the sail she could in order to get down to Salem, Coll. Evans took his boat and pursued the sloop, and ordered the Custome-house officer to doe the same, which he did, but the wind blowing pretty fresh, the sloop outsailed them, and came to an anchor under the stern of my sloop, the owners hoping that would have protected them, it being another Government, but Coll. Evans went on board the sloop and after having given the Master a great deale of ill language and struck him, he forced him into his boat and sent him to Newcastle to prison, in the meantime Coll. Evans had sent his Navall Officer to Salem, where I was (which is 3 miles up a creek) to complain to me of the Master, and to tell me that he was coming himself after him for the same purpose, I stayed something above an hour expecting his coming, but seing he did not come, by the complaint one of the owners had made to me, I did believe he intended to carry away the sloop, which I was resolved not to suffer; soe I ordered my boat to be got ready, and Coll. Ingoldesby offering to goe, I directed him to bring up the Master, and to order the Master of my sloop not to suffer the other sloop to stirr, but if anybody offered to weigh her anchor, to fire upon them; he went downe and found Coll. Evans on board the Philadelphia sloop, he told Coll. Evans that he had done very ill, and that he would doe very well to satisfie me, if he could; upon that Coll. Evans came to Salem with Coll. Ingoldesby, as soon as he came into the house where I was, he desired to speak with me in private, I tooke him into my chamber, there he made great complaints of the Master of that sloop, I asked him where the Master was, he told me he had sent him to Newcastle, I asked him by what authority he had seised a man in my Government, he said, it was upon the water, I told him that was as bad, for that he had noe Commission from my Lord High Admirall, and consequently had noe power upon that river, I told him I would not give one word of answer to his complaints till he produced the Master, and the officer that had dared to carry him away, he told me he was sensible he had committed an error, that he would immediatly send for the Master, but begged I would not insist upon having the officer because he had done nothing but by his order; he did send for the Master, who was brought to me in few hours; then I heard Coll. Evans, the Master and the owners, and I found upon hearing of them all, that the only complaint Coll. Evans had to make was their passing by Newcastle without paying the powder-money; I thought that was not cause sufficient to stop the Master, soe I dismissed him in order to proceed on his voyage, which he did next day; afterwards I told Coll. Evans I thought it was very odd that the Assembly of Newcastle should pretend to taxe the Queen's subjects for trading from one Province to another,

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and both under the Queen's immediat Government, and where the people of Newcastle have nothing to doe, for if all vessels must pay powder-money, then sloops trading from New York to Burlington, and those trading from Cape May, and Salem, to Burlington must pay, tho they have nothing to doe with Newcastle, I told him further that if I heard he made any of our sloops pay, I would soon get some guns down to Elsingburgh Point (which is a place where the Swedes had formerly a fort) and is below Newcastle, and would make every vessell that went up the river or down, pay three times as much as he did; soe how [*he will treat our people I cannot yet tell*]. I ask your Lordships' pardon for this long digres[sion, and return to New Jersey], where the Quakers who are in the Assembly have declared they will [*never pass*] any Militia Act, they say they will have noe Militia, but that will not be in their power nor choice, though the people are refractory enough, and indeed we want a good Act for regulating the Militia in all these parts very much, but I despair of getting any such Bill passed in New Jersey, as long as the Quakers are allowed to serve in the Assembly. Your Lordships will perceive by the Remonstrance the Assembly thought fit to give me, that they say, "It is notoriously known that many considerable sums of money have been raised to procure the dissolution of the first Assembly, to get clear of the Proprietors' Quit-Rents, and to obtain such officers as the contributors should approve of. This House has great reason to believe the money so gathered was given to the Lord Cornbury, and did induce him to dissolve the then Assembly, etc." As for all the rest of their Remonstrance, I referr your Lordships to my answer, which I intreat you to believe is true in every part, and to the truth whereof I will make oath whenever your Lordships shall require it; but the words above-mentioned seem of soe extraordinary a nature, that I think my self obliged (besides what I have said on that subject in my answer) to assure your Lordships that if any such sums of money have been raised, I am intirely a stranger both to the raising and the disposall of it, if I had been soe greedy of money, I should have taken the 1,200*l.* that was offered me to perswade me to passe a certain long Bill the Assembly offered to me the first Sessions of the Assembly, which offer I rejected with contempt; then for the Proprietors' Quit-Rents, it is soe farr from what they say, that every Sessions I have recommended it to the Assembly to prepare a Bill or Bills to settle the rights of the Proprietors, which certainly I should not have done, had I taken money to get clear of the Proprietors' Quit-Rents, as they call it, as for obtaining officers, as I know of noe contributors, soe I am sure, no man has made any application to me upon that subject, and I doe assure your Lordships that I have not put in one person into the Commission of the Peace, nor Millitia in the Province of New Jersey, but such as have been recomended to me by some one, or more, of the Gentlemen of the Councill, or the Collonels of the Regiments, this being truth, as most certainly it is, I hope their saying they have great reason to believe the money was given to me, will

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have no credit with your Lordships ; I did intend to have sent the Journall of the House by this opportunity, but the Clerk could not get it ready in soe little time ; If I have been anything harsh in my answer to the Assembly, I hope you will be pleased to consider the provocation I had, which I believe is without paralel ; I am informed the Gentlemen of the Councill are preparing an addresse to H.M. to inform the Queen of the state and condition of the Province of New Jersey. *Signed, Cornbury. Endorsed, Recd. Jan. 27, Read Feb. 11, 1707. Holograph. 6 pp. Enclosed,*

963. i. Governor Lord Cornbury's Speech to the Assembly of New Jersey, Burlington, April 9, 1707. I am glad to see so full an appearance at the beginning of ye Sessions, I could have wished the rest of the Members had attended their duty to their Queen and Country likewise, *etc.* The first thing I shall recomend to your consideration, and wch. I have in command from ye Great Queen of England, my Mistress, is, that you settle such a revenue upon H.M. as may be sufficient to support ye dignity and supply all the necessary charges of Governmt., and because it has been represented to the Queen yt. ye Country is not yet able to answer very great taxes, H.M., who is always solicitous for ye ease of her subjects *etc.*, has commanded me to acquaint you, that she is graciously pleased to accept of 1,500*l.* a year in lieu of 2,000*l.*, wch. was granted for two years, wch. ended on Dec. 13. The Queen expects it should be settled for 21 years. The next thing wch. I most earnestly recomend to your serious consideration is ye preparing a Bill or Bills, whereby ye right and property of ye General Proprietors in the soil of this Province may be confirmed to them, and likewise for ye confirming ye particular titles of all ye inhabitants and purchasers claiming under them. This I have recommended every Sessions since I have had ye Honor to serve H.M., what has hindred it till this time, I will not undertake to say, but sure I am that nothing can contribute more to ye settlement, welbeing and happiness of this people, *etc.* The Highways directed to be laid out by a former Act, have not been laid out according to the directions of that Act, tho' the Commissioners have been often called upon to do their duty. I cannot but take notice yt. the Bridges are in so ill a condition, yt. after any sudden rain it is very dangerous to go over them, I think if a tax were laid for the building of bridges and good managers appointed for ye laying out yt. money, and seeing ye work effectually done, it would not only be a conveniency and safety to travellers and traders, but it would be less charge and trouble to the people, for then a very small charge with care would maintain them many years. I think it my duty to recomend to you ye

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preparing a Bill for the settling ye qualifications of persons to serve upon jurys. the lives of men and ye titles of their estates are often lyable to be called in question, and I think it is not proper that every idle person should be capable of serving upon those occasions. I have often recomended a Review of the Laws in force in this Province before ye Government was surrendred to H.M., perhaps some may be found fit to be re-enacted in ye same words they are now conceived, or at least with some amendments may be made fit for the Queen's approbation, if such are, you shall always find me ready to receive them. H.M., who is desirous yt. all her subjects may equally enjoy ye benefit of Trade without ineroaching one upon ye other, expects yt. a Bill or Bills be past to lay ye same dutys and impositions upon goods imported into, or exported out of this Province as are paid by her subjects of ye neighbouring Province of New York. The Act for settling ye Militia is expired. I propose to you ye reviving that Act for ye ease of the people, for if it is not revived, I must govern myself with respect to the Militia according to ye Laws of England, which will not be so easy, especially to some people, as yt. Act was. *Recommends* dispatch. The best way to attain that will be to lay aside all private animosities, yt. you may the more freely apply all your thoughts and your time to ye service of the Queen and your Country. *Endorsed as preceding. Copy. 2 pp.*

963. ii. (a) Remonstrance of the Assembly of New Jersey to Governor Lord Cornbury. We are heartily sorry that, instead of raising such a Revenue as is by ye Governor (as we suppose by ye Queen's directions) required of us, we are obliged to lay before him ye unhappy circumstances of this Province, *etc.* It's our misfortunes extorts this procedure from us, *etc.* We may not perhaps rightly apprehend all ye causes of our sufferings, but have reason to think, yt. some of them are very much owing to ye Governor's long absence from this Province, wch. renders it very difficult to apply to him in some cases, that may need a present help. It were to be wished that the affairs of New York wd. admit ye Governor oftner to attend those of New Jersey, he had not then been unacquainted with our grievances, and we are inclin'd to believe they would not have grown to so great a number. (1) Some persons under sentence of death for murder, have not only remained until this time unexecuted (they being condemned not long after Lord Cornbury's accession to this Government), but often have been suffered to go at large. It's possible the Governor has not been informed that one of these persons is a woman who murdered her own child, another of them a woman

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who poisoned her own husband, ye keeping of them so long has been a very great charge, and how far it's a reflection on ye public administration to suffer such wretches to pass wth. impunity, we dar not say, but sure ye blood of those innocents crys aloud for vengeance, and just Heaven will not fail to pour it down upon our already miserable Country, if they are not made to suffer for their demerits. (2) We think it a great hardship that persons accused for any crime, should be obliged to pay Court fees, notwithstanding the Grand Jury have not found ye Bill agst. them, they are men generally chosen out of ye neighbourhood, and should be the most substantial inhabitants, who cannot well be supposed to be ignorant of ye character of ye person accused, nor to want as good information as may be had; when therefor they do not find the Bill, it's very reasonable to suppose ye accused person innocent, and consequently no fees due from him. We pray therefor that ye Governor may give his assent to an Act of Assembly to prevent ye like for ye future, otherwise no person can be safe from ye practices of designing men, or ye wicked effects of a vindictive temper. (3) The only office for Probat of Wills being at Burlington, it must be very expenceive and inconvenient for persons who live remote to attend at it, especially for the whole Eastern Division. We therefor pray the Governor will assent to an Act to settle such an office in every County, or at least in each division of this Province, and that ye officers may be men of good(s) estates and known integrity in the said County or Division. (4) The Secretary's office is not also kept at Amboy, but all the Eastern Division are forced to come to Burlington that have any business at that office. This seems inconsistant with the present Constitution, which doth not admit one of the Divisions of this Province to enjoy more privileges than the other. We therefore desire the Governor's assent to an Act to oblige the Secretary to keep his office at both places. (5) The granting of patents to cart goods on the road from Burlington to Amboy for a certain number of years, and prohibiting others, we think to be a great grievance, that it is contrary to the Statute Ja. I. Ch. 3 against Monopolies, and being so, we doubt not but will easily induce the Governor to assent to an Act to prevent all such grants for the future, they being destructive to the freedom that Trade and Commerce ought to have. (6) Establishing of fees by any other power or authority than by the Governor, Council and Representatives met in General Assembly, we take to be a great grievance, directly repugnant to Magna Charta, and contrary to the Queen's express directions in the Governor's Instructions. *Pray* the Governor's

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assent to an Act to *settle fees*, without which we think no more can be legally demanded than the persons concerned by agreement oblige themselves to pay. (7) The Governor's putting the former public Records of the Eastern Division into the hands of Peter Sonmans, the pretended Agent of the Proprietors, one that doth not reside in the Province, nor has not given security for the well and true keeping of them as is by ye Queen directed ; and keeps them so that H.M. subjects cannot have recourse to them, and their being carried out of the said Division, is a great and crying grievance, they are the only evidences that one half of this Province has to prove the titles of their estates, and this House is humbly of opinion that they ought to be so kept that persons may have recourse to them, and in the hands of such of whose fidelity there is no reason to doubt, this being a thing so reasonable encourages us to request ye Governor to assent to an Act to be passed to put them in proper hands for ye future, that the Country may not be under ye same disappointments they now are. (8) There are other grievances of an higher nature, and attended with worse consequences. We did expect when the Government was surrendered to feel the benign influences of the Queen's mild Government, and to be protected in the full enjoyment of our Liberties and Properties, the last of which we thought ourselves something more secure in than some of the neighbouring Plantations *etc.* It's our misfortune that we must say the success has not answered the expectation, and the Queen's subjects here have felt the reverse of what they had most reason to hope. That greatest and best of princes is without all peradventure ignorant of our pressures ; she has more of Heaven in her, than not to hear the cry of those that groan under oppression and the unkind effects of mistaken power, to whom we owe our miseries. (9) The Governor has prohibited the Proprietors' Agents, commonly called the Council of Proprietors from granting any warrants for taking up of lands in the Western Division. We cannot see by what Law or Reason any man's property can be disposed of by ye Governor, without his consent ; the Proprietors, when they surrendered the Government did not part with their soil, and may manage it as they think fit, and are not to take directions from any persons whatsoever, how and when to do it, if any person concern'd be agriev'd, the Laws are open, by which disputes on property are decided, *etc.* We are very sorry the Governor gives us occasion to say, it is a great incroachment on the Proprietors' properties. But we are not surprised at it, when a greater incroachment on our liberties led the way to it, and that was the Governour refusing to swear or attest 3 Members of

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the last Assembly, *etc.* We are too sencibly toucht with that procedure, not to know what must be the unavoidable consequences of a Governor's refusing to swear which of the Members of an Assembly he thinks fit, but to take upon himself the power of judging of the qualifications of Assembly men, and to keep them out of the House, as the Governor did the afore-said 3 Members nigh 11 months till he was satisfied in that point, after the House had declar'd them qualified, is so great a violation of the liberties of the people, so great a breach of the privileges of the House of Representatives, so much an assuming unto himself a negative voice to the Freeholders' election of their Representatives, that the Governor is intreated to pardon us if this is a different treatment from what he expected. It is not the effect of passionate heats, or the transports of vindictive tempers, but the serious resentment of a House of Representatives for a notorious violation of ye Libertys of the people, to whom they could not be just, nor answer the trust reposed in them, should they decline letting the Governor know they are extremely dissatisfied at so unkind a treatment, especially when its causes and effects conspire to render it so dissagreeable. (10) It is notoriously known that many considerable sums of money have been raised to procure the dissolution of the first Assembly, to get clear of ye Proprietors' Quit-Rents, and to obtain such officers as the contributors should approve of. This House has a great reason to believe the money so gathered was given to the Lord Cornbury, and did induce him to dissolve the said Assembly, and by his own authority keep 3 Members out of the next Assembly, and put so many mean and mercenary men into office, by which corrupt practice men of the best estates are severely harassed, H.M. good subjects in this Province so impoverished, that they are not able to give that support to H.M. Government as is desired, or as they would otherwise be inclined to do. And we cannot but be very uneasy, when we find by these new methods of Government, our liberties and properties so much shaken, that no man can say he is master of either, but holds them as tenants by curtesie, and at will, and may be stript of them at pleasure: Liberty is too valuable a thing to be easily parted with, and when such mean inducements procure such violent endeavours to tear it from us, we must take leave to say, they have neither heads, hearts, nor soul that are not moved with the miseries of their country, and are not forward with their utmost power lawfully to redress them *etc.* May 5, 1707. *Signed*, by order of the House, Sam. Jennings, Speaker.

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(b) Abstract of Governor Lord Cornbury's Reply to *preceding*. On Thursday last I received *above* Remonstrance, but, because I would not put it in your power to say I had given a rash, inconsiderate answer, I would make no return to it, till ye Saturday following, at [*which ?*] time I sent you word by the Secretary that I should not expect your attendance till this [*day ?*]. I have been in this Province twice every year, and have never stayed less than a month, sometime(s) 6 weeks or more. The Post goes every week to New York, and the Lt. Governor resides constantly in this Province, and would certainly have done right to any person that would have complain'd to him, which makes this allegation appear very frivolous. The affairs of New York have never hindred the Governor from attending those of New Jersey. I don't know of any grievances this Province labours under except it be the having a certain number of people in it, who will never live quietly under any Government, nor suffer their neighbours to enjoy any peace. (1) The two women have not been executed, there having appear'd most notorious malice and revenge in some people who were zealous in those prosecutions. The Queen is ye fountain of Honor, Justice and Mercy, and may relieve or pardon any criminal. That power H.M. has been pleased to intrust me with, and I am no wise accountable to any person for what I do in those matters, except to the Queen's Majesty alone. As to the vengeance of just Heaven, I am of opinion that nothing has hindred it from falling upon this Province long ago, but the infinite mercy of God, who has been abundantly provoked by ye repeated crying sins of a perverse generation among us, and more especially by ye dangerous and abominable doctrines, and the wicked lives and practices of a number of people, some of whom, under ye pretended name of Christians, have dared to deny ye very essence and being of the Saviour of the World. (2) If you had asked any man that knows anything of the practice of ye Law in England, you would have found that if any proceedings have been carried on against any persons supposed to be guilty, they have always paid ye Court Fees, notwithstanding the Grand Jury have not found the Bill. Indeed, if Juries in this Country were [*what*] they ought to be, the supposition might in some measure be allow'd, but we find by woful experience, that there are many men who have been admitted to serve upon Grand and petty juries, who have convinced the world that they have no regard for ye oaths they take, and especially among a sort of people, who under ye pretence of conscience refuse to take an oath, and yet many of them, under the cloke of a very solemn affirmation, dar commit the greatest

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enormitys, especially if it be to serve a Friend, as they call him, and these are the designing men, and the vindictive tempers, of which all the Queen's good subjects ought to beware, *etc.* (3) If I could perswade myself to wonder at any of ye enormities contain'd in this Remonstrance (and which I should do, if it came from any other men), it should be at this, because no reasonable man [*can*] easily perswade himself to believe that a number of men, chosen by their Country [*men*] to represent them, would presume to complain of a thing as a grievance, when ye thing complained of is in fact not true. For the Office of Probats of Wills is, wherever ye Governor is. Every year I have been at Burlington and Amboy, except the last year, when I had the unspeakable misfortune of losing a wife, whom I loved as much as my own soul, after a very long, tedious sickness, during which no reasonable man could expect I should leave her for any time, and yet notwithstanding that, I was twice at Amboy last year, where anybody that had a will to prove, might have had it done. Besides, considering the remoteness of Cape May County and the County of Salem, I did appoint a Surrogate at Burlington, before whom any of the inhabitants of either division might have had their wills proved. I did not think it necessary to appoint one in the Eastern Division, because the inhabitants of that Division, who are most remote from New York, are within a very easy day's journey of my Surrogate at Burlington, and much the major part of the people of that Division are within a very small day's journey of New York, where their private affairs dayly calls many of them, and where any of them may have their wills proved, without any injury to, or incroachment upon their properties, rights, or privileges. All judicious and impartial men will look upon this complaint to be malicious, scandalous and frivolous, contriv'd only to amuse poor ignorant people, *etc.* Besides, what you desire is a direct invasion of the Queen's Prerogative, for it belongs to H.M. alone to appoint who shall take probats *etc.*, and that power the Queen has been pleased to vest in the Governor, *etc.* Of all people the Quakers ought to be the last to complain of the hardships of travelling a few miles upon such an occasion, who never repine at the trouble and charges of travelling severall hundreds of miles to a yearly Meeting, where it is evidently known that nothing was ever done for the good of the Country, but on the contrary, continual contrivances are carried on for the undermining the Government, both in Church and State. (4) You have had as little regard to ye truth of matter of fact in this complaint as in some of the rest. For it is certain yt. the Secretary's Office

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is kept at Amboy as well as at Burlington, as far as the nature of the thing requires, and it can admit of, for the Records of the Eastern Division are kept in the Eastern Division, or at least so many of them as the Agent for ye Proprietors of that Division could hitherto recover from one Thomas Gordon, into whose hands they were put in the time of the Proprietary Government, and who has imbezled several of them, for which he must be answerable. There is a Supreme Court held once every year at Amboy, there is no more at Burlington, so that one Division does not enjoy more privileges and advantages than the other. And you have no more reason to desire a Secretary's Office to be settled at Amboy than the people of the County of Cumberland would have to desire a Secretary of State's Office to be settled in their County, because it is a great way for them to travel to London. The thing is inconsistent in itself, to have two Secretary's Offices in the same Province, and consequently unreasonable, and I am pretty well satisfied without precedent. Besides, I don't know of anybody that can claim the right or power of appointing a Secretary in this Province, but the Queen, and she has been pleased to appoint one, and H.M. is pleased to think one sufficient, as undoubtedly it is. But if you had thought that another had been necessary, it would have been much more modest to have acquainted me with it, that I might have humbly represented it to H.M. *etc.* (5) I could wish (since you had a mind to colour this complaint with the authority of an Act of Parliament) that you had advised with some Lawyer whether this could be any way brought under that Statute, or can by any construction in the world be called a Monopoly. Nothing can be properly call'd a Monopoly but where a man engrosses a commodity into his own hands and imposes what unreasonable prices he pleases, or where a man is suffered to enjoy any trade exclusive of others, to the prejudice of the public, or particularly to the hindering or burthening of trade. The thing complained of, is directly contrary. For by this Patent, the subjects of this Province have the conveniency of sending such quantitys of goods to and from Burlington and Amboy as their private occasions, or the nature of their trade may require, at reasonable and certain rates, and at certain times, which they never could do before. For before the settling of this Waggon, if any persons had occasion to send any goods to or from either of those places, they were forced to hire a waggon, though perhaps they had not the tenth part of a load, and were forced to pay such rates as the owner thought fit to impose, whereas at present everybody is sure once a fortnight to have an opportunity of sending any

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quantity of goods at reasonable rates. By this means, and by no other, a trade has been carried on between Philadelphia, Burlington, Amboy and New York, which was never known before, and in all probability would never have been, had it not been for this certain convenient way. In all the parts of Europe, the having public carriages for goods has always been esteemed of absolute necessity. It is plain the Patent complained of cannot come within the Statute 21 Ja. I. When I was first applied to, for a Patent, for the allowing of this Waggon, which was by one Dell, a man who in Col. Hamilton's time was permitted to drive a waggon for the carrying of goods, though under no regulation, before I would grant it, I did acquaint the Council. Those Gentlemen were all of opinion there could be no inconvenience in it, but rather a great convenience; experience has proved that opinion to be true. Nay, Mr. Lewis Morris himself, the chief promoter of these unreasonable and frivolous complaints, who had ye honor then to be one of H.M. Council, express'd himself very fully to that purpose; indeed, if that Gentleman had ever been consistent with himself in any two actions of his life, I should wonder how he could so soon alter his opinion, *etc.* (6) This is of a more extravagant nature than ye former. You call that a great grievance and repugnant to Magna Charta, and contrary to the Queen's express directions, which is most certainly exactly pursuant to the express words of the Queen's Instructions. (7) When I first read this clause, I could not imagine what it was put in for, unless it were on purpose to arraign the Queen's express commands to me. Mr. Sonmans is not ye pretended Agent, but is lawfully constituted Agent for the Proprietors of the Eastern Division, and has qualified himself according to ye Queen's Instructions to me, and he does reside the greatest part of his time in the Province, the Records are not carried out of ye Eastern Division unless it be those which Thomas Gordon has imbezled, but those which came to the hands of Mr. Sonmans are kept at Amboy, where anybody may have recourse to them, that will desire, at any seasonable hour, and the Country is not under any disappointment upon yt. account. Besides the Records of the Eastern Division were put into ye hands of the Proprietors' Agent by an Order from England upon a complaint made in England that ye Records were not in the hands of the Proprietors' Agent. (8) This is certainly one of ye boldest assertions that ever was made. No one act of severity, much less of injustice has been done. I challenge you to prove the contrary, *etc., etc.* Very few men in the Province, except Samuel Jennings and Lewis Morris, men known neither to have good principles nor morals,

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who would have ventured to accuse a Governor of such crimes, without any proof. (9) By H.M. Instructions, I am to allow of all such Agents as ye General Proprietors shall appoint, such Agents qualifying themselves by taking such oaths as the Queen is pleased to direct, and no others; no persons under the name of a Council of Proprietors have ever tendred themselves to take those oaths, consequently they are not capable of acting as Agents. Besides, I say, those people who call themselves a Council of Proprietors, are a parcel of people pretending to act by a power derived from certain persons who have no powers to grant, the Governor has therefore done in this case nothing but his duty, in hindring, as far as in him lay, that pretended Council from acting illegally, which they have long done, to the great prejudice of H.M. subjects. *Repeats account of the excluded Members of Assembly.* As soon as the proofs of their qualifications were communicated to me as I desired, I admitted them immediately, which I could not do before without breaking H.M. Instructions. It was entirely due to their own stubbornness in refusing to give me the proofs, that they were not admitted before *etc., etc.* (10) If any money was raised, it was not given to me, nor was ever any money offered to me, as is alledged. I dissolved the first Assembly because it was plain they never intended to do anything for the support of the Government, nor for the good of the country, and indeed better could not be expected from an Assembly so corruptly chosen as that was, for some of the now Remonstrancers, and some other people, prevailed with Thomas Gordon, then Sherrif of Middlesex, to refuse a poll when demanded, and when the persons injured by that practice complained to the House of Representatives, they had a day assign'd them to be heard, but were limited to bring but 20 witnesses. They attended at the day appointed, but were then by that House refused to be heard and their witnesses examined, tho' they heard Thomas Gordon, the petition was dismissed. This violation of the rights of the people was a sufficient reason for the dissolving that Assembly. As for getting clear of the Proprietors' Quit-Rents, that is absurd, for at the beginning of every Sessions I have recommended it to the Assembly to prepare a Bill for settling the rights of the Proprietors. I have not knowingly put any mean or mercenary men into office; indeed at my first coming I desired the Gentlemen of the Council to recommend fit persons to me. Mr. Morris gave me a list in which by experience I find there are some mean scandalous men. I have said the less in answer to the scandalous reflections you have cast upon me, because I don't doubt but H.M.

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will allow me to take such measures as may be most proper to procure me ample satisfaction, *etc.* Now I shall take note of some of your late unwarrantable proceedings in this Assembly. At the opening of the Sessions I recomended to you the settling a Revenue, *etc.*, but you have squandered away your time in hawking after imaginary grievances for one whole month, without making one step towards ye service of the Queen or the Country. You have presumed to take the Queen's subjects into the custody of your Serjeant at arms, who are not Members of your House, which is a notorious violation of the libertys of the People. You have taken upon you to administer an oath to one of your Members, and have expell'd him from the House for refusing to take an oath, which you could not legally administer to him; this is most certainly robbing that member of his property, and a most notorious assuming to yourselves a negative voice to the Freeholders' Election of their Representatives, for which there can be no precedent found. You have arbitrarily taken upon you to command the High Sherrif of this County to discharge a prisoner, who was in his custody, at the suit of one of the Queen's subjects, and he has been weak enough to do it, for which he lyes lyable to be sued for an escape, whenever the Gentleman thinks fit to do it, and from which you cannot protect him; this is a notorious violation of the rights of the subjects, and a manifest interruption of Justice. You have taken upon you to appoint one of your Members to act as Clerk of the Committee of the whole House, which you have no power to do, and the party officiating is liable to be prosecuted for acting without lawful authority, and without being qualified to act, *etc.*, I was going to conclude with giving you some wholesome advice, but that will be but labour lost, *etc.* *Endorsed*, Recd. Jan. 27, Read Feb. 11, 1707. *Copy.* 14½ closely written pp.

963. iii. Address from the Governor and Council of New Jersey to the Queen. Congratulate H.M. on the success of her arms in 1706. *Signed*, Cornbury, Rich. Ingoldesby, George Deacon, Wm. Pinhorne, Daniel Leeds, Wm. Sandford, Tho. Revell, Robt. Quarry, Ric. Townley, Dan. Coxe, Roger Mompesson. *Endorsed as preceding*, 1 large p. [C.O. 5, 970. Nos. 49, 49.i.-iii.; and (without enclosures) 5, 994A. pp. 312-328.]

964. Observations upon *above* Remonstrance of the Assembly of New Jersey. *No date or signature.* 1 p. [C.O. 5, 970. No. 50.]

June 7. Bermuda. 965. Lt. Governor Bennett to Mr. Popple. Feb. 27 I mention that I was preparing an answer to Capt. Jones. But

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considering severall of the Articles related to the Assembly and Judges. I thought it proper they should answer for themselves, and accordingly that letter has been laid before them, who have but very lately returned their answer: soe I can't by this opportunity compleate it, but shall by the next, and doubt not but their Lordships will be fully satisfied that Capt. Jones his assertions are base, malicious and untrue, *etc.* Signed, B. Bennett. *Endorsed.* Recd. Read July 29, 1707. *Holograph.* 1½ pp. [C.O. 37, 8. No. 40; and 38, 6. p. 313.]

June 7. **966.** W. Popple, jr., to the Commissioners of Prizes. Encloses Whitehall. extract from Governor Handasyd's letter relating to 2 prizes brought into Jamaica. [C.O. 138, 12. p. 98.]

June 9. **967.** Tho. Sliford to the Council of Trade and Plantations. Proposes the establishment of a Commercial Agent to obtain intelligence as to trade *etc.*, for the Board, at home and abroad. His reports would contribute to a sort of trade history of England, *etc.* *Endorsed,* Recd. Read June 9, 1707. 3½ pp. [C.O. 388, 76. No. 21.]

June 9. **968.** Council of Trade and Plantations to the Earl of Whitehall. Sunderland. Enclose following to be laid before H.M.

968. i. Council of Trade and Plantations to the Queen. Report upon Acts of Jamaica 1704, 1705, "and Feb. last" [*i.e.* 1705½. *Ed.*] Some are expired (*enumerated*). The following need not be either confirmed or repealed by your Majesty at present, but may be left as probationary. (1) An Act to enable Cary Bodle to sell lands, *etc.*, the objection being the want of a saving of your Majesty's right, and of the right of all other persons, as is usual and proper in such Acts. (2) An Act for the speedy collecting of out-standing debts, (3) for raising an additional duty *etc.* for 1707. As to the duty thereby laid upon bottled beer *etc.*, they have therein had regard to your Majesty's Order of July 15, by lowering the duty to 6d. per dozen, but such licquors in cask are raised from 4s. to 20s. per tonn. Recommend 7 Acts for H.M. approbation.

The Act to provide an Additional subsistence for officers and soldiers, Feb. 1706–1707, being liable to the same objections as a former Act with the same title repealed Nov. 14, we humbly represent that notwithstanding the reasons for repealing the foresaid Act were laid before the Assembly by Brigadier Handasyd with a signification of your Majesty's pleasure that they should not pass such clauses for the future, they have again re-enacted all the clauses but one of the said repealed Act. That part which provides an additional subsistence is temporary and expires Feb. 1st, the rest is perpetual and contains the following clauses, which we think unfit for your Majesty's approbation, vizt. (1) That all persons

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not natural born subjects of England, Ireland or the Plantations are incapacitated under the penalty of 500*l.* from holding any offices civil or military in that Island, except only that they may serve in your Majesty's Regular Forces; which restraint we think intrenching upon your Royal Prerogative, your Majesty having a right to the services of your subjects in what capacity your Majesty thinks best. (2) That if any officer or soldier shall marry any inhabitant of that Island, he shall from thenceforward lose all that share of the money to be raised by this Act, which would otherwise have accrued to him. (3) That no officer (the Governor excepted) shall be capable of any Civil employment or command in the Militia, during the time he shall be an officer of your Majesty's regular forces there. (4) That all persons in civil employments, under the penalty of 100*l.* forfeiture, take an oath that they are not officers in your Majesty's regular forces. All which we look upon as a burthen and discouragement imposed upon the soldiery, which happens the more unseasonable at this time, when they are upon harder duty by reason of the danger, wherewith that Island is threaten'd from the enemy. Yet considering the hardships the soldiers will lye under, by reason of the dearness of all provisions in that Island, if the said Act be repealed before the term limited for the expiration of that part which provides an additional subsistence, we do not think it for your Majesty's service that the said Act be disapproved at present; but that it be suffered to continue till nearer the time of expiration. But in the meantime we humbly offer that a letter from your Majesty be writ to your Governor there, taking notice of the Assembly's disregard to your Majesty's Order in passing an Act with the same clauses as those formerly repealed, and directing the Governor to move the Assembly in the most effectual manner that they do not in any future Act lay such hardships upon the soldiers sent thither by your Majesty for their defence and security. [C.O. 138, 12. pp. 99-105.]

[June 9.] **969.** Charge of the General Assembly, Council, Judges and Justices of Bermuda against Mr. Jones. Repeat charges of 1705, 1706 *etc.* *Endorsed*, Recd. Read June 9, 1707. 3¼ pp. [C.O. 37, 8. No. 11; and 38, 6. pp. 272-279.]

June 9. **970.** W. Popple, jr., to Capt. Gardner. Repeats enquiry
Whitehall. about recruits for Jamaica. [C.O. 138, 12. p. 98.]

June 10. **971.** Capt. Gardner to the Council of Trade and Plantations. Gives an account of 56 recruits raised for Governor Handasyd's Regiment. I hope your Lordships may procure for the officers a larger allowance of levy money, they alledging that, whereas

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the Government gives officers 3*l.* per man for men raised to serve in England, 5*l.* per man will not defray the great charge they are at in obtaining them, *etc.* Signed, Rot. Gardner. Endorsed, Recd. Read June 12, 1707. Addressed. 1 p. [C.O. 137, 7. No. 51; and 138, 12. pp. 105-107.]

[June 10.] **972.** Mr. Lodwik to the Council of Trade and Plantations. Encloses certificates showing that Messrs. Bayard and Hutchins have entered into recognizances as ordered Dec. 18, 1704, and prays that the Act of New York concerning them may accordingly be confirmed. Signed, Charles Lodwik. Endorsed, Recd. Read June 10, 1707. 1 p. Enclosed,

972. i., ii. Certificates of recognizances referred to in preceding. Signed, Cornbury. Dec. 7, 1706. 3 pp. [C.O. 5, 1049. Nos. 33, 33.i., ii.; and (without enclosures) 5, 1121. pp. 45, 46.]

June 10.
St.
Christophers.

973. Governor Parke to the Council of Trade and Plantations. It is now 10 weeks since I have had any news from England. I thank God these Islands are in as good a position as can be expected, the Islands being pretty healthy and will make good crops. May 19 arrived at Antigua the *Guernsey* with the *Winchelsea* and *Child's play* with two transports and one store-ship with 300 men of Col. Lynlliston's Regiment from Ireland; I have gott the Island of Antigua to give quarters to 200, one company I have got quarters for at Montserratt, and two companies I have got this Island to quarter; I designed two companies for Nevis, but cou'd not gett the Assembly there to give them quarters. The Lt. Governor and Councill advised me to dissolve them and call a new one, which I did; they are to meet the 12th, at which time I designe to be there, and hope to prevaile with them to quarter the soldiers; if not, I must carry those two companies to Antigua. I can gett them quartered there. The people of Nevis expects the Queen should doe everything for them, though they doe not endeavour to help themselves. The storeship brought 20 gunns, 500 small arms and 100 barrells of powder. I shall distribute it as I think most for the Queen's service, tho' I doe not expect to please any of the Islands, had the other stores come, there wou'd have been enough for all the Islands. If the Queen will supply what was lost, in the other store-ship, we shall have enough, but instead of the powder to send us 10 long 36 pounders to guard the Harbour of St. John's; for the future we shall not want powder, every ship that arrives being obliged to pay powder. Signed, Daniel Parke. P.S.—June 21. I mett the new Assembly at Nevis, but I could not prevaile wth. them to quarter the 2 companys I brought them; therefore I was obliged to send them back to Antigua, where they will have quarters. Comodor Wager wth. his squadron bound to Jamaica came to an anchor at Nevis ye 12th and sayled the next day. Signed, Daniel Parke. Endorsed, Recd. 9th, Read Aug. 14th. 1707. 3 pp. [C.O. 152, 7. No. 25; and 153, 10. pp. 60-63.]

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June 10.
Whitehall.

974. Council of Trade and Plantations to the Earl of Sunderland. Enclose following to be laid before H.M.

974. i. Council of Trade and Plantations to the Queen. We humbly lay before your Majesty an Address from Col. Sharpe and the Council of Barbados, praying your Majesty to confirm the suspension of Col. Cleland, and we thereupon take leave to represent what has appeared to us from the severall Minutes of Council and of Assembly, and from affidavits, in relation to his behaviour. *Repeat* part of Representation of May 28, *q.v.* Though the said Cleland did protest against the dissolving the old and calling a new Assembly, yet he joyned with the rest of the Council in swearing the new elected Members, after which the said Cleland with others signed a paper, which was presented to the Assembly, Jan. 28, importing that they were an illegal Convention, and containing threats in case they proceeded to do business. Upon the reading the said paper the next day, the Assembly came to this resolution, "That it was the unanimous opinion of that House that all the persons who had subscribed that paper, as also the framers, contrivers and promoters thereof, were guilty of a high misdemeanour tending to disturb the peace and quiet of the Island, and deserved to be forthwith turned out of all offices civil and military, and be further proceeded against according to Law. And that the said Cleland hath been a principal promoter of the heats and divisions in that Island, and by the subscribing the said paper an encourager of faction." Which resolution was on Feb. 3 delivered to the President and Council. And upon the reading thereof on Feb. 11, they desired the Assembly to give their reasons for the said resolutions, which they did the same day in the words following, viz. "(1) That William Cleland hath signed and publish'd a protest against several Articles established unanimously in Council, as an explanation of H.M. Letters Patents and Instructions for the Government of that Island, which Articles Cleland, acting as a Counsellor on his oath, had jointly with the rest of the Council consented to and established, though in the protest he declared, that what he had so solemnly agreed to was only done to compliment the President with powers he did not intend should ever be exercised. (2) That he did refuse to publish the writt for the election of Assembly men for the Parish of St. Andrews, which was directed to him, and afterwards did with some other persons appear at the time of election at the said Parish Church, and sign a paper importing that the said election, and the writ on which it was made, were illegal. (3) That Cleland, being one of the Members of Council, and sitting in Council when the Members of this Assembly

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were sworn, and having with the other Members in Council unanimously agreed to have them called in and sworn Members of the Assembly in order to their acting as such, did afterwards jointly with several other persons sign the paper which was delivered to the Assembly importing that the Assembly was an illegal Convention, and containing threats in case they should proceed to act as an Assembly, which they conceive to be a factious and seditious action, tending to disturb the peace of this Government at a time when we are in so much danger of the common enemy. (4) That Cleland having before the delivery of the said paper to the Assembly delivered another paper of the like import to the Hon. the President and Council, and the same paper being censured as scandalous and seditious by the President and Council, the Assembly did humbly conceive that Cleland being a Member of H.M. Council, ought to have so far submitted to the said opinion of the President and Council, till H.M. pleasure were known therein, and not to have encouraged and headed a party, in making the said remonstrance to the Assembly, tending to create discontents, divisions and faction in this Island, and especially since he had concurr'd in having the said Members called into Council to be sworn of the Assembly, in order to their acting as such." These reasons, without mentioning any other, the Assembly did conceive to be a sufficient ground for the aforesaid vote. Whereupon Cleland was acquainted by the President, that if he would acknowledge his having been in an error, and submit himself to the Board, they would not proceed to censure him, which he refused to do, saying, they might do what they would, he did not value it, for it would not be for above 5 or 6 weeks (meaning till the Governor's arrival). Upon which the question was put whether for his misbehaviour he did not deserve to be suspended. All the Council but one were of opinion that he did deserve suspension, but they were equally divided upon the question whether he should be suspended or no, so that for that time nothing further was done. On March 14, Coll. Walker, a Member of Council, informed the Board of some resolves made the day before by the Assembly upon some scandalous and seditious speeches made by some persons against the Members of the Council, and produced the affidavit of Capt. Townsend, to prove that Coll. Cleland had said that all the Council except Raynes Bate were rogues, insinuating that they had been guilty of bribery and subornation. Upon consideration whereof, and that Cleland had abused the lenity of the Government, it was again put to the vote, whether he should be suspended, till your Majesty's pleasure

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be known, which was carryed in the affirmative, 5 being for the suspension, and the 6th only declaring that Cleland ought to be proceeded against, according to the utmost severity of the Law. Whereupon he was suspended accordingly. The President and Councill were informed that Cleland after his suspension had applyed himself to the Assembly, with some pretended informations against some of the Councill. Whereupon they came to this resolution, that Cleland in giving the said information intended and designed to promote sedition, encourage faction, and as far as in him lay, falsely and scandalously to libel and villify the Government, and thereby to raise and foment jealousies, distrusts and differences between the Councill and Assembly, thereby to obstruct the happy consequences of peace and union, and that he is thereby become a publick incendiary, industriously labouring to continue the unhappy heats and divisions, of which he has been the grand promoter. They further resolved humbly to address your Majesty, *as above*. It does appear to us from what is before recited, and from what we had occasion to lay before your Majesty, May 28, that Cleland has been and continues to be a promoter and encourager of the heats and animosities that have so long distracted that Island, and for which reason we humbly offer that your Majesty be pleased, not only to approve the said suspension, but to dismiss Cleland from your Majesty's Councill and all other employments in that Island. [*C.O.* 29, 11. *pp.* 36-46.]

June 10.
Maryland.

975. Governor Seymour to the Council of Trade and Plantations. I am glad of any, and take this opportunity of paying my duty *etc.* Our Assembly met on March 26, and sate till Aprill 14th, but the clarks not having had time to transcribe the Laws and Journalls, I cannot now, but must be content to transmitt them to your Lordships by the Ffleete, however presume to informe you with the most materiall transactions in this Session, and first of the enacting an additional Law for towns and ports, wherein it is at last agreed to that all tobaccos, after Sept. 10, 1708, shall be brought to, and shipt off from Towns and Ports, and that all ships shall ride and loade there; which I am perswaded will be of great advantage and security to H.M. Revennue; and therefore hope it will find your acceptance, and H.M. royall sanction; though the stiffness of our legislators has still aforded occasion to have it amended. In obedience to H.M. Royall commands, an Act of Assembly was past for suspending (during H.M. pleasure) the prosecution of Priests of the Romish Comunion, incurring the penaltys of the Act to prevent the growth of Popery in this Province, by exercising their function in a private family of the Roman Communion, but in no other case whatsoever, and hope it will answer H.M. and your honble. Board's directions. Upon a

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new discovered peice of villany, that Richard Clarke with his gange of runaway rogues had concerted, to seize on our magazine and burne this towne and port of Annapolis, and then steale a vessell and turne pyrates, where they thought it most feisable : all means having prov'd ineffectuall to apprehend and bring the said Clarke to Justice, the Assembly, for the better security of the Province, and to deterr any from associating with him, past an Act to attaint him of high Treason ; And this Province has already and is still like to be at no little charge and trouble upon his account. For altho he is one of the greatest of villains ; yet (especially in this County of Ann Arundell) he has so many neare relations, that wee find it very difficult to discover his haunts, and what is worse, out of a foolish conceipt of his being a stout fellow and country-borne, the natives being now growne up, and most of them in offices, are very backward, if not altogether unwilling to bring him in, could they conveniently meete with him. During the Session, one Mr. Joseph Hill (country-borne) and a Member of the House of Delegates, was by that House expell'd the Assembly, for adhering to, assisting and corresponding with the said Clarke ; notwithstanding which, I am doubtfull wee shall allways want Jurys to do H.M. common justice on the countrie-borne (as they call 'em) and am apt to believe, the reason is, that the Assembly, anno 1694 (under a specious pretence of ye encouragement of learning, to which the Countrey has not yet made any one further stepp) gained the then Governour and Councill's assent to an Act *for the encouragement of learning and advancement of the natives of this Province*, by which H.M. English subjects are debarred from holding any office of trust or proffitt within this province (not being immediately a patent office) untill they have actually made this countrey their place of residence during the full terme of 3 years : and hence it is that no ingenious men capable of serving H.M. or the Province will come here to starve so long a terme, which, if not remedied by H.M. disassent to that Law, I feare will be of fatall and pernicious consequence to Maryland, for notwithstanding the Act of Assembly, made in 1694, *for ye erecting of Free-Schools*, there is not yet so much as one Grammar-Schoole in the whole Province, and yet the Assembly and other Courts of Justice for ye most parte are composed of, and the Government on all occasions is necessitated to commissionate, the Natives, tho many tymes very ignorant and unfitt for the offices and trusts this Act of Assembly devolves upon them, which is only a particular misfortune to Maryland, no such Law or practice being in any other of H.M. Plantations, where all her subjects stand upon the levell. Severall complaints being made agt. the Lord Proprietary's Officers for granting and measuring of lands, upon examination it was found that his Lordp's. Surveyors Genll. farm'd out their Offices in the severall Countys to their Deputys (who are generally unskilfull and indigent persons) at certaine large summes or rents ; for which they tooke their obligations, whether the just(s) flees and perquisites from ye said Deputys, accustom'd to be reserv'd to ye said Surveyors

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Genll., amounted thereto or not, which occasioned the said Deputys, the better to raise the said summes and rents, to use many tricks in the execution of their offices, sometymes neglecting to include in ye surveys the lands intended and shewne them, and very often prying into and finding faults with the old surveys by the watersides, where the ancient bounded trees, and even the bancks, are sometymes washt away into ye bays and rivers, to the greate disturbance and dissatisfaction of H.M. subjects, who have been put to greate charge in asserting their just bounds. The Assembly made an Act requiring the Lord Baltimore's Agents to certifie into the Secretary's Office the Instructions and conditions of Plantations, with the fees by them demanded, and obliging his Lordshipp's Deputy Surveyors to qualifie themselves according to Law; and by that Act lay a forfeiture of 20*l*. on the said Agents so refusing to certifie the said instructions and conditions; and also enioyne the said Surveyors under the penalty of 100*l*. sterl., not to survey any lands for any person whatever, until they have taken the oathes by Law appointed to maynteyne the succession of ye Crowne, and likewise an oath for ye faithfull execution of their offices, which had never as yet been done by any of the said Surveyors, and is wholly submitted to H.M. Royall pleasure and direction, in case the Lord Baltimore shall thinke fitt to address her on that occasion. Some disputes between the Lord Baltimore and Mr. Wm. Penn, about their North and East bounds of this Province, rendring the estates of H.M. subjects very precarious and ambiguous on those confines, have induced the Assembly to address H.M., that she will be graciously pleas'd to direct the said proprietors to run out and settle their bounds, that the purchassors and takers up of lands there may be safe in their graunts. In few days with the advice of H.M. Councill, I shall regulate and settle the Judicature according to the directions of your honble. Boarde; notwithstanding our wayward Assembly thought it improper to be done here, without rendring any substantiall or mannerly reason whatever, for at present our Provinciaall Court, consisting of 12 Justices, is a mere jest, tot homines, tot sententiæ, unless particular interest draw them, not knowing any rules to guide their judgements. Nowwithstanding we heare not from England in 7, 8 or 9 months, during this warr, the Assembly with the like reason, that they might still continue irregular and gainsaying, rejected Mr. Dummer's proposalls for better and more speedy advice and intelligence by way of his pacquett-boats. And when I proposed a Law to punish the dispersers of false and reflecting news of affairs in Europe during the warr, it was deny'd by our stiff-necked Assembly, whose reasons I doubt not but your Lordshippes may perceive, being they are wholly bouyed up by a gainsaying and restless party. Col. John Addison, Robert Smith and James Sanders, 3 of H.M. Council here, being dead, and Coll. Robert Quarry lives in Pensilvania, a good distance hence, and has so much publique busieness on his hands, 'tis allmost impossible to have his advice or assistance when wanted, and that Mr. Thomas Brooke never comes to Councill,

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there is a necessity to have the vacancies of that Boarde supply'd ; and since there are but 4 left on this side the Bay to meete on any emergency whatever, and those on the other side many tymes in bad weather not able to come, I humbly propose Coll. John Contee to be one, who lives in the midst of the most considerable Papists in Charles County, and presume your Lordships will judge it reasonable to have a person of spiritt and authority, where there is so absolute an occasion, altho he was not named in the lists of the 12, and Samuel Young, Coll. Thomas Greenfield and Seth Biggs, if H.M. and your Honble. Boarde thinke fitt to remove Thomas Brooke, who has two owne brothers Jesuites in the Province, and himselfe but a late convert, and still a favourer of that party. One of the 12 formerly named is dead to witt, Henry Coursey, others refuse to act, having streight-lac'd consciences, Col. Bigger unable to ride on horseback hither, and others I designe within the number of the 4 Itinerant Judges, as Col. Thomas Smith etc., and humbly lay the 4 beforementioned before your Lordps.' consideration as persons of good fortune and probity, and presume for the foregoing reasons to present a fresh list of 12, having now a better knowledge of persons and things in this Province then could be well imagined I should have so suddainly after my arrivall here. The Law for Ordinary lycences will expire the next Session of Assembly, so that I wayte your Lordps.' further directions in that matter, for I am confident the Assembly will be very unwilling to anex that perquisite to Sir T. Laurence's H.M. Secretary's office, without some order to oblige them so to do. Richard Clarke and his prodigall companions lately sett an expedient on foote to retrieve some of their shatter'd fortunes, and carry on their base designes, which was forgeing and counterfeiting a considerable quantity of false money like unto the peices of eight of Spaine and the dollars of the Low Countryes, which they made of pewter, glass and other mixt metall, but the cheate being presently detected, the Assembly made an Act to punish such like offenders, and the utterers of such false moneys. And since money is become so absolutely necessary, we earnestly beg H.M. to intrust us with a species of small copper coyne, as by our Address wee have pray'd. I think it highly necessary to represent that there are two Gentlemen commissioned and stiled H.M. Receivers within this Province, the one George Plater Esq. for the district of Puttuxent, and the other George Muschamp Esq., for the district of Potomeck. Through Mr. Plater's hands considerable summes of money pass yearly, but through the other's, Mr. Muschamp's, very little, his collection of the 3d. per hhd., for which he is accountable for severall years has not amounted to above 30*l.* odd per ann., and yet he as well as the other Receiver have each a sallary allotted of 100*l.* per ann., which they are authorised to take out of the fynes and forfeitures within this Government, which for many years will not halfe pay them, so that these Gentlemen seeme much dissatisfyed, though I thinke Mr. Muschamp has little reason, his office being needless, and might well be supply'd by the other Receiver, without any further sallary. I have sent

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a sloop well mann'd to North-Carolina, to demand some persons who have fledd hence from Justice, and to learne what law is made there to harbour others from paying their just debts, which has occasioned great numbers to flye from this Province thither, to the great detriment of merchants in England, and cheating the honest well-meaning people of this country, for if they have, as I am informed, made a law there to protect any person from being sued during 5 years, it will give an handle to many knavish people to gaine large creditts, and runn thither to defrawde their just creditors, and not only tend to the lessening the number of taxable persons here, but to the depopulating H.M. more useful adjacent Colonys and Plantations. And now as our poverty increases, so fresh villainys are carryed on intirely to subvert the Government; when I have their answer, I will transmitt it to your Honble. Boarde, and doubt not but your Lordps. will find out an expedient to have this pernicious practice stopt, otherwise many persons will go North to Carolina and H.M. Revennue hence be suncke to a scantling. The generality of the people in this Province have good tracts of land and stocks of cattle and hoggs, but being in debt to the merchants consignees in England, they send them little or no goods at all, most of the shippes comeing from London upon freight, in their ballast, with their provisions only for the voyage, so that many people here are almost starke naked, which has occasioned some to turne their hands to manufacture of linnen and woollen; and if your Lordps. in your wisdom do not find out some expedient to have the necessity of the country relieved, by obliging the merchts. to send supplys, it may be of ill consequence to the Revennue arising on tobacco, which will be in greate measure layd aside by such who find they can have nothing for it. There neither is or hath been any guard-ship at ye Capes' mouth for these 12 months, so that H.M. Plantations of Virginia and Maryland are obnoxious to the insult of any rascally pyrate or privateer, who may come and go and burne what shipping happens to be in the countrey at pleasure. And have this day an accot. of a privateer lying off the Capes, which has taken severall vessells comeing into these Plantations, and having unman'd himself to secure them, is retir'd in order to a fresh expedition. I hope your Lordps. are by this time satisfied I have done what was incumbent on me, concerning the prizes, *etc.* Signed, Jo. Seymour. *Endorsed*, Reed. 18th, Read Aug. 27th, 1707. 12 pp. *Enclosed*,

975. i. List of persons proposed by Governor Seymour for filling vacancies in the Council of Maryland:—Philip Lynes, John Hall, Major John Hawkins, Lt. Col. Wm. Whittington, Wm. Harris, Robert Bradley, John Gressham, Major Charles Greenberry, Richd. Tilghman, Lt. Col. Thomas Hammond, Col. Nathaniel Hynson, and Lt. Col. Thomas Addison. *Same endorsement.* 1 p. [C.O. 5, 716. Nos. 29, 29.i.; and (without enclosure) 5, 726. pp. 455–466.]

June 10. **976.** Council of Trade and Plantations to the Earl of Whitehall. Sunderland. Enclose following to be laid before H.M. in Council.

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976. i. Council of Trade and Plantations to the Queen. Upon an humble representation of Nov. 23, 1703, your Majesty was pleased to issue your royal proclamation for settling the current rates of foreign silver coins in your Majesty's Colonies and Plantations, *etc.* Which proclamations having been published in your Majesty's several Plantations would have had a very good effect in case the Proprietary Governments had paid due obedience and regard thereunto. But we understand by letters from your Majesty's several Governors, and particularly of New York and New England, that altho' the said proclamation had been published in New England, yet no manner of regard was had thereunto, but that the several foreign silver coins did continue to pass there in the same manner as before, nay even at higher rates, by which means your Majesty's said Colony of New York did very much suffer to a sudden stop of their trade; upon which the Lord Cornbury, by the advice of the Council, was obliged to suspend execution of your Majesty's proclamation. And by letters from Sir B. Granville, your Majesty's late Governor of Barbadoes, it appears that the said proclamation being not observed in other Plantations (where they continued to keep up the value of their mony) the said Island is thereby in danger of being drained of their coin. Whereupon your Majesty's late Attorney General was advised with *etc.* *His opinion quoted* (C.S.P., 1705, No. 1382). Upon consideration of all which, and for preventing the mischiefs that may arise by such indirect practise of drawing the mony from one Plantation to another, to the great prejudice of trade, we are humbly of opinion that an Act of Parliament be passed here, for the better enforcing your Majesty's said proclamation in the several Plantations, under such penalties as shal be thought reasonable and necessary, as likewise for prevention of this and many other evil practises; that the said Propriety and Charter Governments may be brought under the same dependance on your Majesty as those other Plantations now under your more immediate Government; and till one or both of those provisions are made but think that the putting your Majesty's said proclamation in execution in some of the Plantations, whilst others (particularly the Propriety and Charter Governments) pay no regard thereto, may endanger their being entirely drain'd of the mony necessary to the carrying on their trade. [C.O. 324, 9. pp. 142-145.]

June 11. 977. Mr. Graves to the Council of Trade and Plantations. When it was asked Capt. Holding [=Holden, May 21] to what end hee solicited to bee Governor of the Bahama Islands, hee

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declared severall times that hee would not soe much as attempt the resettling of Providence or fortifie it till [*sic*] the warr continewed, neither would he propose to the People that were scattered amoungst the Islands to returne to Providence till Pece, and what hee proposed by obtaining a Commission to bee Governr. at this time was onely to enable him the better to proceed to ffish for wrecks, whale-fishing, and what else was granted him by patten from the Proprietor formerly ; hee further said that his Patent for wrecks *etc.* was of little vallew without a Commission for the Government, *etc.* *Signed*, Jon. Graves. *Endorsed*, Recd. Read Jan. 12, 1707. *Addressed. Holograph.* 1 p. [*C.O.* 5, 1264. *No.* 5 ; and 5, 1292. p. 4.]

June 11. **978.** Papers produced in his defence by Edward Jones, at the hearing of the complaints against him, June 11, 1707. *Duplicates of documents calendared 1700ff.* (*Cf.* B. of T. *Journal*, June 11.) 36 pp., *including list.* [*C.O.* 37, 8. *Nos.* 12–37.]

June 12. **979.** Council of Trade and Plantations to Governor Hunter. Whitehall. *Refer* to clause in their letter of March 26, relating to grants of land in Virginia. Finding that the granting of lands on the South side of Blackwater Swamp and on Pamunkey Neck is a matter fit to be laid before H.M. for her Royal determination, which we shal do at the first opportunity, in the meantime we think fit to advise you that no lands be granted or patents signed for the same till H.M. further pleasure be known. And we desire as soon conveniently you can after your arrival that you send us a perfect list of the Patents already signed, and of those ready for signing, for the said lands ; with the numbers of acres contained in each grant, as also a copy of the form of the said grants, together with an exact survey of the number of acres and a plot of all the lands on the South side of Blackwater Swamp and on Pamunkey Neck. [*C.O.* 5, 1362. pp. 233, 234.]

[June 12.] **980.** Sir E. Northey to the Council of Trade and Plantations. Duplicate of Report on Act of New York, March 14, 170 $\frac{5}{8}$. *Signed*, Edwd. Northey. *Endorsed*, Recd. Read June 12, 1707. 1 $\frac{1}{4}$ pp. [*C.O.* 5, 1049. *No.* 33A. ; and 5, 1121. pp. 47, 48.]

June 13. **981.** Council of Trade and Plantations to the Earl of Sunderland. Whitehall. Enclose following to be laid before H.M.

981. i. Council of Trade and Plantations to the Queen. Representation upon petition of John Sandford and John Dorn (March 27) *q.v.* *Quote* arguments of Counsel thereupon. Set out, B. of T. *Journal*, May 29, 1707, *q.v.* Upon the whole, we humbly represent, as to the empannelling of the Jurys, that the return of the Jurors having been regularly made to the Clerk of ye Crown, he and not the Cheif Judge ought to have produced the pannel to the Court ; but objections having been made by the petitioners, and the question put, whether the Court approved of the said Jurors or no, and it

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being carryed in the affirmative, the appointment of the said Juries was the Act of the Court. As to the imprisoning the petitioners, though that proceeding seems to be violent and hasty, particularly as to Dorne, yet in regard it might be necessary for quieting the great tumults and disorder they and others had raised in the Court, and considering that the majority of the Court advised or were consenting thereunto, and the petitioners bayled the next day, as has been alledged to us, and not contradicted by the other side, it does not appear to us that the Chief Judge has done anything to incur your Majesty's displeasure. [C.O. 29, 11. pp. 47-62.]

June 13. **982.** Mr. Graves to the Council of Trade and Plantations. Capt. Holding (=Holden) desings to goe to Bermuda in a small sloop called the *Hopwell* next month, etc. Signed, Jon. Graves. Endorsed, Recd. Read June 13, 1707. 1 p. [C.O. 5, 1264. No. 6.]

June 13. **983.** Capt. Rich. Jennings to the Council of Trade and Plantations. Describes the state of the Bahama Islands and proposes the resettlement of them. See B. of T. *Journal*, June 13. Endorsed, Recd. 13th, Read June 15th, 1707. 1½ pp. [C.O. 5, 1264. No. 7.]

[June 13.] **984.** Capt. Richard Jennings to H.R.H. the Lord High Admiral. Proposals for securing the Trade in the Spanish West Indies, capturing the Spanish Plate Fleet, and putting down the privateers at Martinique, "by which the French would be forced to run home with empty bellys." Describes the movements of the Spanish galleons from port to port and home from the Havana. "Had Admiral Benboe but have lived, he knowing all those ports, I don't doubt but by this time he would have made the French in those parts very miserable, for he was both an Admirall and a very good pilott, that noe man could tell him anything of the West Indies better than he knew himself," etc. Endorsed, Recd. Read June 13, 1707. 7¼ pp. [C.O. 323, 6. No. 36.]

[June 13.] **985.** Same to Same. Similar proposals. Understanding that Capt. Wager is going to the West Indies with a squadron of H.M. ships, proposes to quit the merchants service and go on board Capt. Wager. Same endorsement. 2½ pp. [C.O. 323, 6. No. 37.]

June 13. **986.** Council of Trade and Plantations to the Earl of Whitehall. Sunderland. Refer to letter of May 7, and enclose Capt. Gardner's letter of June 10 to be laid before H.M. [C.O. 138, 12. pp. 107, 108.]

June 13. **987.** W. Popple, jr., to Mr. Attorney General. Encloses Whitehall. Acts of New York and papers relating to Messrs. Bayard and

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Hutchins. The Council of Trade and Plantations desire your opinion whether the recognizances entered into by them do fully answer the intent of H.M. Order. [*C.O.* 5, 1121. *pp.* 48, 49.]

June 14.
Windsor.

988. H.M. Warrants appointing James Milleken, Lawrence Brodbelt and Thomas Belman to the Council of Nevis. [*C.O.* 5, 210. *p.* 36.]

June 16.
Spithead.

989. Governor Hunter to Mr. Popple. Acknowledges Instructions relating to grants of land [June 12]. If there be anything in it that may clash with those of the President and Council, I beg their Corps. to transmitt H.M. pleasure, *etc.* *Signed*, Ro. Hunter. *Endorsed*, Recd. Read June 17, 1707. 1 *p.* [*C.O.* 5, 1315. *No.* 60; and 5, 1362. *p.* 234.]

June 16.

990. Mr. Linton to the Council of Trade and Plantations. Encloses correspondence from abroad, showing how the American Plantations are like to suffer by the vast increase of tobacco made and consumed in Europe. To find out proper expedients in favour of the Revenue, our merchants, the planters, and for employing our poor, may be worthy of your Lordships' peculiar care, for by Jan. next 3 intire cropps of tobacco will be ready to be shipt from those Plantations. *Signed*, John Linton. *Endorsed*, Recd. Read June 17, 1707. $\frac{3}{4}$ *p.* *Enclosed*,

990. i.-vii. Correspondence referred to in preceding. 14 *pp.* See July 1. [*C.O.* 5, 1315. *Nos.* 61, 61.i.-vii.; and (without enclosures) 5, 1362. *pp.* 234, 235.]

June 16.
Whitehall.

991. Council of Trade and Plantations to the Earl of Sunderland. *Refer* to former proceedings relating to Mr. Jones. On the hearing of the parties, Counsell for petitioners insist to be heard to the former complaints against him, as being referred to us (April 4, 1706, *etc.*). We desire your Lordship to receive H.M. pleasure whether we shall hear the complaints of his misbehaviour before the time he was restored to his offices by H.M. Order in Council, April 20, 1704, or onely report upon what has been already heard relating to his behaviour since. [*C.O.* 38, 6. *pp.* 280-282.]

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992. Virginia and Maryland Merchants to the Council of Trade and Plantations. *Refer* to Memorials of Col. Quarry *etc.*, 1705, upon the tobacco trade. Since which we have for above 13 months past very often attended H.M. Principal Secretaries of State on a report made by this Honourable Board, but cou'd neither obtain a sight thereof, or procure it to be laid before H.M. in Council, it being, as we suppose, impeded by the Contractors with the Czar, under pretence they had tobacco remaining in Russia, which being all long since sold, we hoped that obstacle to the trade was fully removed. These, with many other interruptions, occasion tobacco of foreign growth to be preferr'd, to the great prejudice of H.M. Revenues, the Plantations, and the manufactories of this Kingdom. *Pray* that above Memorials

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may again be taken into consideration, and the Reports thereon be without loss of time effectually forwarded to H.M. in Council, least a further delay should cause a total disuse of our Plantation tobacco in Muscovy, Sweden, Denmark, France and Spain. *Signed*, Micajah Perry, and 17 others. *Endorsed*, Recd. Read June 17, 1707. 1 large p. [C.O. 5, 1315. No. 62; and 5, 1362. pp. 235, 236.]

June 17.
Whitehall.

993. Council of Trade and Plantations to Mr. Secretary Harley. Enclose following to be laid before H.M.

993. i. Council of Trade and Plantations to the Queen. We have no objection to Robert Holden as Governor of the Bahamas [May 21], under the Proprietors, he giving security in 2,000*l.* for observing the Acts of Parliament relating to trade and the Instructions touching the same that shall be given him by your Majesty. But in regard the said Islands (lying in the Gulph of Florida and in the way of all ships from the Havana and Bay of Mexico) are of very great consequence not only to the trade of this Kingdom, but for annoying the enemy in time of war; we think it our duty on this occasion humbly to represent to your Majesty that we find the Fort upon the Island of Providence (which was the only place of strength there) is now altogether defenceless, that no supply of arms, ammunition or other stores of war, hath been sent thither for several years before the war, or any now intended to be sent by the Lords Proprietors, or directions given for drawing the scattered Inhabitants together, insomuch that the security of those Islands hath been and still seems to be wholly neglected by the said Lords Proprietors, and exposed to the continual insults of the enemy, as hath already twice happened during the present war. Wherefore for the prevention of the like for the future, and for the necessary security of a settlement so highly beneficial to the trade of this Kingdom: We are humbly of opinion that the immediate Government of those Islands shou'd be resumed into the Crown in such manner as your Majesty's latter Attorney and Solicitor General have advised (1706), or by such other method as your Majesty shall judge most proper; and in the meantime since the present defenceless state of those Islands hath been through the default and neglect of the Proprietors, We humbly offer that, to prevent their falling into the hands of the Enemy, and for the better administration of the Civil and Military Government there, in time of war, your Majesty will be pleased to make choice of and send over with your Royal Commission, a Governor well experienced in military affairs and fitly quallified for such an employment, as was done in some other Propriety or Charter Governments, during the late war [Maryland, Pennsylvania], and that such Governour

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be directed and impowered, with the assistance of the said Lords Proprietors and of the Inhabitants, to repair the works of the said Fort ; and by a suitable provision of warlike stores to be sent from hence be enabled to put the said Islands into a good state of defence against the enemy, for the protection and good government of your Majesty's subjects now remaining, or that shall be settled there, it being reasonable to believe that under such an administration some merchants may be encouraged to settle a Factory there, to carry on the Spanish trade, and there being a very commodious harbour for distressed ships that come through the Gulf of Florida, or are beaten off the northern coast of America, that settlement may be much improved to the benefit of the trade of this Kingdom. And in case your Majesty shall find that the said Lords Proprietors shall refuse or neglect to comply with what your Majesty shall think fit to require of them for the security of the said Islands, before such Governor, so to be appointed, do go from hence, then we do humbly offer that your Majesty will be pleased to make such necessary provisions as aforesaid. [C.O. 5, 1292. pp. 6-9.]

[June 18.] **994.** Mr. Crabb to the Council of Trade and Plantations. Quotes rumours from Antigua as to French fleet expected to arrive at Martinique and to attack that Island, points out the prejudice arising to trade in those parts, and proposes an expedition against Martinique. (See B. of T. *Journal*, June 18 ff.) *Endorsed*, Recd. Read June 18, 1707. 1 large p. [C.O. 152, 7. No. 11.]

June 19. **995.** W. Popple, jr., to Sir H. Ashhurst. Sends attested
Whitehall. copies of proceedings against Vetch *etc.* [C.O. 5, 912. p. 375.]

[June 19.] **996.** Mr. Solicitor General to the Council of Trade and Plantations. Reports upon 5 Acts of Bermuda, 1698. The Act for *restraining and punishing privateers and pirates* as penn'd seems liable to several objections. By the first enacting Clause, 'tis made felony without benefitt of clergy, for any person who then did or within four years then past had, or at any tyme afterwards should inhabit or belong to this Island, to serve in America in a hostile manner, under any forreigne Prince, State or Potentate, against any other forreigne Prince, *etc.* in amity with the King of England, without licence from the Governour. There is a proviso that this Clause should not extend to any person then in service to any foreign State or Potentate, who should quitt such service by Aug. 4 then following. As this part of the law is framed, persons not guilty of any crime whatsoever may be liable to suffer death. They may enter into the service of any forreigne Prince, *etc.*, who are not in hostility with any of the allies of England, and if afterwards war should break forth between such forreigne Prince, *etc.*,

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into whose service they entred without being guilty of any crime, with any other forreigne Prince, *etc.* in alliance with England, tho they are forced to continue in the service, and should quitt the same so soon as they have any opportunity so to do and returne home and submitt themselves to the Governour, yet are they guilty of ffelony, without benefitt of clergy, for such their involuntary continueing in the service, after the hostility begun. By the next Clause in the Act, all treasons, felonies, piracies, robberies, murthers or conspiracies committed, or to be committed, upon the sea, or in any haven, creek or bay, where the Admirall hath any jurisdiction, may be inquired, tried and judged within the Island, as if such offence had been committed within the Island, and for that purpose a Special Commission is to issue, and such proceedings thereupon to be had, as by the Statute for pirates 28 H. VIII is appointed. By this part of the Act, there is as large a jurisdiction given to try all High Treasons, piracies, murthers and other offences committed upon the high sea, as is given by the said Statute of H. VIII to Commissioners to be appointed under the Great Seal of England for trying any of the said offences in England. The said offences by vertue of this Act to be tried by Special Commission within the Island are not confined to offences committed with any particular limmitts, but in what part of the world soever, upon the sea where the Admirall hath jurisdiction, any treason, piracie, felony, robbery, murther or conspiracy shall be committed or supposed to be committed, any person may be taken and carried prisoner to the Bermuda Islands, and there tried and executed for the same. By another Clause in the Act every person who shall knowingly entertaine, harbour, conceal, trade or hold correspondence with any person deem'd to be a pirate or other offender within the construction of this Act, and not endeavour to apprehend such offender, shall be prosecuted as an accessory and suffer the like paines and penalties. A person may knowingly trade with a man that is a pirate or other offender within the Act, not knowing him to be a pirate or such offender. This Clause, as penn'd, may subject very innocent persons to be prosecuted for their lives, for tradeing or corresponding with persons they neither know nor suspect to be pirates or offenders. For these reasons (however necessary some law of this kind may be in these Islands) I humbly conceive this Law not fitt to be approved. As to the other four Acts, I have no objection to either of them in point of Law. *Signed*, Sim. Harcourt. July 28, 1704. *Endorsed*, Reed. Aug. 9, 1704. Read June 19, 1707. 2 pp. [C.O. 37, 8. No. 38; and 38, 6. pp. 283-287.]

[June 19.] **997.** Mr. Solicitor General to the Council of Trade and Plantations. *Report upon 6 Acts of Bermuda, 1701. The Act for imposition on liquors etc.* expired on July 3, 1703, notwithstanding which the fact recited in the preamble may deserve your Lorrpps.' consideration. 'Tis recited that an imposition had been laid on liquors, to continue for two years only, at a former Sessions of Assembly held under the Government of

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Samuel Day, Esq., but that by the Clerk's neglect a whole paragraph in that Act was omitted, whereby that Act which is recited to be temporary was entred on record as a perpetuall Law, and that Mr. Day had extorted severall summes of money after the determination of that Act, as if the Act had had continuance, and had transmitted it to his late Majestie as a perpetuall Law to be confirm'd. It is further recited that Mr. Bennett, the present Governour, upon a representation thereof by the Assembly, had assured them to represent the same to his late Majestie, and that the collection of the rates imposed by that Act should cease till H.M. pleasure was knowne. Whether that Act entred upon record, amongst the Acts of the Assembly, as a perpetuall Law, and transmitted as such by the former Governor to be confirmed, be yet confirm'd or not, does not appear to me. But it appears from this recital, that the present Governour by his owne authority, at the request of the Assembly, has stopped the further collection of the rates imposed by the Act pass'd under the Government of Mr. Day upon the allegations recited in this Act. The Act to *prevent the oppression and extortion of officers*, passed July 6, 1701, appears to be repealed Nov. 14, 1702, otherwise the said Act is liable to objections. As to the four other Acts, I have no objection to either of them in point of Law. *Signed and endorsed as preceding.* 1½ pp. [C.O. 37, 8. No. 39; and 38, 6. pp. 288-291.]

June 19.
Jamaica.

998. Governor Handasyd to the Council of Trade and Plantations. H.M.S. *Sheerness* arriving here as convoy to 8 merchant ships about 20 days ago, and being ordered away for England and to take such merchant ships under her protection as are ready to sail with her, I make use of the opportunity to enclose a duplicate of my last, we having had no packett-boat since Aprill 23. We have very little news here; I cannot hear any certainty of a French Fleet's being in these parts, as was some time ago beleived, but by what I understand the galleons will be ready to sail in 6 weeks or 2 months. Our trade with the Spaniards seems at present to be glutted by reason of a great quantyty of goods brought by the Dutch and French. The squadron under Commadore Kerr is very healthy and so is the Island in generall. I must still continue my request to your Lops. for your assistance towards the getting me a draught of 300 recruits *etc.* *Signed,* Tho. Handasyd. *Endorsed,* Recd. 19th Sept., Read 28th Oct., 1707. 1½ pp. [C.O. 137, 7. No. 61; and 138, 12. pp. 156, 157.]

June 21.
Windsor.

999. H.M. warrant appointing Samuel Beresford, Rector of St. Michael's parish in Barbados, to be of the Council. *Countersigned,* Sunderland. [C.O. 5, 210. p. 35.]

June 23.
Windsor.

1000. Order of Queen in Council. Referring following to the Council of Trade and Plantations for their report. *Signed,* John Povey. *Endorsed,* Recd. Read July 8, 1707. 1 p. *Enclosed,*

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1000. i. Thomas Barrow to the Queen. Petitioner was Resident in Jamaica about 25 years, and (altho wholly deprived of his sight) served as Attorney Generall in the time of three Governors till, without any fault of his own, displaced by Governor Handasyd, at his first entrance upon the Government. In May, 1703, petitioner with leave of the Governor and Assembly removed himself and his family into other of H.M. Dominions in America, and returned to Jamaica in December last, but the said Governor hath without cause denyed petitioner to practice as an Attorney at Law in the Courts of that Island, and refused to admitt petitioner to his speech, or to hear his case, tho he hath endeavoured it by letter, petition, intercession of the Cheif Justice and other Justices, *etc.* there; whereby petitioner was deprived of the means of maintaining himself and family, *etc.* *Prays* to be restored to the free exercise of his profession. *Copy.* 2½ pp. [C.O. 137, 7. Nos. 52, 52.i.; and 138, 12. pp. 116-120.]

June 23.
Windsor.

1001. Order of Queen in Council. Appointing Col. Daniel Smith Lt. Governor upon the first vacancy in the Leeward Islands. *Signed,* John Povey. *Endorsed,* Recd. Read July 7, 1707. 1½ pp. [C.O. 152, 7. No. 14; and 153, 10. pp. 34, 35.]

June 23.
Windsor.

1002. Order of Queen in Council. Appointing Col. Lambert Lt. Governor of St. Kitts, and Col. Hamilton Lt. Governor of Nevis. Governor Parke is to be informed as to the reasons that have induced H.M. to approve of his proceeding therein. It is H.M. pleasure that by some entry in the Councill Books there, or otherwise, such publick testimony thereof may remain as may be a means to prevent its being drawn into a president for the future. *Signed and endorsed as preceding.* 2 pp. [C.O. 152, 7. No. 15; and 153, 10. pp. 35-37.]

June 23.
Windsor.

1003. Order of Queen in Council. *Referring following* petition to the Council of Trade and Plantations for their report. *Signed,* John Povey. *Endorsed,* Recd. Read May 19, 1708. 1 p. *Enclosed,*

1003. i. Mr. Broughton to the Queen. Governor Lord Cornbury refuses to admit petitioner to his office of Attorney General. No misdemeanour is alledged against him, *etc.* *Signed,* Sampson Broughton. 1 p.

1003. ii. Minutes of Council of New York, Aug. 22, 1706. The Court being so near at hand H.E. defers granting a Patent to Mr. Broughton till the Court is over, that the present Attorney General may proceed therein. *Endorsed as preceding.* *Copy.* 1 p.

1003. iii. Minutes of Council of New York, June 15th, 1707. Mr. Broughton's petition ordered to lie upon the table,

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H.E. expecting an answer from the Lords of Trade and Secretary of State *etc.* *Endorsed as preceding.* 1 p. [C.O. 5, 1049. Nos. 51, 51.i., 52, 53; and (without enclosures ii., iii.) 5, 1121. pp. 127-129.]

[June 24.] **1004.** (1) List of grants of land by Col. Fletcher, late Governor of New York, 1693-1697. 2½ pp.

(2) List of papers relating to preceding. *Enumerated*, B. of T. *Journal*, June 24. ¾ p.

(3) Reply of John Champante, Agent of New York, to the Memorial of John Montagu touching some Acts passed in 1698 for vacating grants *etc.* *Signed*, J. Champante. *Endorsed*, Recd. Oct. 26, 1700, Read June 24, 1707. 13 pp.

(4) Objections to the Solicitor General's Report upon the Acts for vacating grants *etc.* *Signed and endorsed as preceding.* 2¼ pp.

(5) Allegations which should have been introduced in the above Report. *Endorsed as preceding.* 1¾ pp. [C.O. 5, 1049. Nos. 34-38; and 5, 1121. pp. 50-77.]

June 25.
Jamaica.

1005. Governor Handasyd to the Council of Trade and Plantations. Since my last arrived here on June 22 Capt. Wager with 7 of H.M. ships of war, as is likewise a privateer from the Spanish coast, who gives an account that he looked into Carthagene, where the galleons lye, and that 5 of them had their sails bent ready to sail, but that the other 9 do not seem to make any preparations for sailing this season; he also says that he understood by some Spanish prisoners, that these galleons, that are ready, are to go to the River of Plato near Brazill, where they are to stay for a convoy, but whether of French or Spaniards, he could not tell. I cannot understand that here are any French men of war in these parts yet. *Signed*, Tho. Handasyd. *Endorsed*, Recd. Sept. 19, Read Oct. 28, 1707. *Addressed. Sealed.* 1 p. [C.O. 137, 7. No. 62; and 138, 12. p. 158.]

June 26.
Whitehall.

1006. Council of Trade and Plantations to Governor Crowe. Since our letter of May 9 (duplicate enclosed) we have received one from Coll. Sharp March 24. The Cartel he has settled with Martinico may be of good service, if under that pretence the French flags of truce be not permitted too often to come to Barbadoes, more to get intelligence of the state of that Island, and our other Plantations, or to carry on an illegal trade, as they have formerly done. This therefore will lye upon you to prevent as much as possible, and we doubt not of your care herein. We are very much surprized to perceive that the Assembly have, notwithstanding H.M. orders to the contrary, and the recommendations from the President and Councill, endeavoured to continue the Paper Act (repealed by H.M.) till May next; but we are willing to beleive that by your prudent management and impartial administration of affairs, they will be made sensible of their error in this particular, and no longer insist upon the passing of an Act so prejudicial to the Island. And we cannot omit upon this occasion commending the President and Councill's

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rejecting the said Act, when sent up to them, which we desire you to acquaint them with. Mr. Beresford has been by H.M. appointed a Member of the Councill, and the order for his admission to that Board will be sent you. H.M. having referred to us the Petitions of Coll. Cleland, Coll. Colleton and Coll. Holder, and of Mr. Sandforth and Mr. Dorn, we have heard Councill as well for the petitioner as for the defendants, and have represented the matter as it appeared to us, which representations are now lying before H.M. for her determination thereupon. Having had occasion to consult Sir E. Northey, H.M. late Attorney General, in relation to probate of wills at New York, we send you a copy of the said report here enclosed, which may be a guide to you in like occasions. There being no accounts of the Revenue of Barbadoes in this office, we must in a particular manner remind you of that clause in your Instructions, requiring you to send us transcripts of the said accounts. And it being very much for H.M. service that we have the same, we are obliged to require you to send us exact copies of the receipts and payments of each particular branch of the Revenue, from Dec., 1698, with yours and the Councill's observations thereupon; As also that you inform us which of the said accounts have been audited, and which not. And herein you are to take care that the same be done from time to time in as full and effectual a manner as by the said Instructions you are required to do. The Acts that we received with the foresaid letter from the President will be taken into consideration at the first opportunity. Upon occasion of Laws we think ourselves obliged to give you the following directions to be observed upon all future occasions. That in no Act whatever any clause be inserted which contains matter foreign to the purport of the said Act. That no perpetual clause be made part of any temporary Law. That no Act whatever be suspended, altered, revived, confirmed or repealed by general words, but that the title and date of such Act, so suspended, altered, revived, confirmed or repealed, be particularly mentioned and express'd. That in the transmitting of every Act, mention be made of the respective times when the same pass'd the Assembly and the Councill, and received your assent, or the assent of the Governour or Commander in Chief for the time being. That upon every Act so transmitted you be as particular as may be in your observations upon each Act, whether the same is introductive of a new Law, declaratory of a former Law, or does repeal a Law in being; and that you mention the reasons for the passing such Law, unless the same do fully appear in the preamble of the said Act. That no private Act be passed in which there is not a saving to ye right of the Crown, bodies politick or corporate, and all other persons, except such as are mentioned in the Act etc. And we must desire you will be very punctual in having the above directions fully complied with, that we may be the better able to lay such Laws before H.M. with our opinion thereupon. [*C.O.* 29, 11. pp. 65-69.]

June 26. **1007.** Council of Trade and Plantations to Governor Handasyd.
 Whitehall. Since our letter of May 9, duplicate whereof is here inclosed,

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we have received yours of Aprill 21. As to what you write about the two prizes brought into Jamaica, we have transmitted the same to the Commissioners for Prizes here for their information, and upon this occasion we must take note that you ought not only to have writ to them yourself (and indeed) to all other offices with whom you may have to doe, but also to have given us an account of your so doing. H.M. has been pleased to constitute Mr. Ascough and Mr. Stewart Members of H.M. Council of Jamaica, and we doubt not but the orders for their admission have been or will be taken-out by their friends and sent you. As to the want of recruits, and the hardships your Regiment lies under in relation to their pay, we have discoursed Capt. Gardner thereupon who has informed us that having laid what relates to the pay of the Regiment before my Lord Treasurer, his Lordship had referred the same to the Comptrollers of the Army, and that their report is now before his Lordship for his determination thereupon; that he had also acquainted Mr. St. Johns with your desire of having the recruits draughted out of other Regiments here, but that Mr. St. Johns told him it was not to be done, and that the said recruits must be raised as well as he could, whereupon the Captains of the Regiment that were in town went down into the several counties to endeavour to raise men if possible, but that they had little hopes of doing the same. This matter we laid before H.M. *etc.* See Feb. 19 and May 7. Capt. Gardner has since informed us that there are 56 men raised and sent to Plymouth in order to be embarked. Having discoursed with the merchants in relation to what you write us, upon the want of woollen and other manufactures for the better carrying on of the Spanish trade, and having received a Memoriall from them, complaining of the hardships they layd under in respect of convoys, we represented the same to H.M. and send you a copy of our Report for your information. *Directions as to probate, Minutes of Council, and Accounts, as above.* The Minutes and Journals that we have received from you are very imperfect and writ on small paper in single sheets and not fit to be bound up together, and therefore we expect that you transmit to us perfect copies of the said Minutes and Journals for four years backward on large paper all of the same size, as also the accounts of the Revenue from Sept. 29, 1704, having received none from you since that time, which you ought not to have omitted. We have laid before H.M. the Acts past at Jamaica 1704-1706. *Quote from Representation of June 9 as to Act to enable Cary Bodle, etc.* We observe that the Assembly have complied with H.M. Order in lowering the duty upon bottle ale *etc.*, but have raised the duty on beer, ale, *etc.* in casks from 4s. to 20s. per tunne, which we look upon as too great a burden on liquors imported from England, and for this reason cannot offer it to H.M. for her royal confirmation. As to the rest of the Acts, when H.M. pleasure shall be signified thereupon, we shall not fail of giving you notice thereof. Upon this occasion of the laws, we have taken notice of several other imperfections, and therefore we think ourselves obliged to give

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you the following directions *etc. as above*. Having received in your last packet several letters directed to other persons who have no relation to our Office, which is a great and unnecessary charge to us, we must again remind you of what was writ you Dec. 13, 1706, upon that subject, that for the future no letters may be enclosed under our cover, but what are for us. [C.O. 138, 12. pp. 109-116.]

June 26.
Whitehall.

1008. Council of Trade and Plantations to Lt. Governor Bennett. Since our letter to you of May 9, a duplicate whereof is here inclosed, we have seen yours of Feb. 27 to our Secretary. As to what you write about your method of lending the Queen's powder, we think you ought to be very carefull that the powder returned be good; for that used by merchant ships is not so good as that sent from H.M. No letters were writ to you from this Board between May 31 and Aug. 30, 1706, so that there is no letter wanting but our foresaid letter of May 9. We are in expectation of the letter you promise us in your own vindication, and you ought upon all occasions to give us perfect accounts of all transactions in your Government. *Repeat Instructions, as No. 1006, as to Probate, Laws, Minutes of Council, and Accounts.* We have received none of the said papers from you, and therefore expect that you send us the same since your Government of those Islands, otherwise wee shall think ourselves obliged to make complaint of any neglect therein to H.M. We find that the 24th Aug., 1704, a letter was writ you and Mr. Solicitor General's opinion sent you upon the 4 Acts therein mentioned, which you were to endeavour to get rectified accordingly, but we do not perceive that you have returned any answer to that part of the said letter, which therefore we shall expect. [C.O. 38, 6. pp. 291-295.]

June 26.
Whitehall.

1009. Council of Trade and Plantations to Governor Parke. *Acknowledge* letter of March 29. We are glad that your apprehensions of the French were over; however we think it absolutely necessary, and desire you therefore to recommend it accordingly that the inhabitants, when the crop is over, do apply themselves to the fortifying of Monk Hill. and that they make the said fortification as regular as they can; which being so much for their own interest and so necessary for their own preservation and security in case of any further attempt from the enemy, we will not doubt of their compliance herein. What was writ to you about enclosing private letters under the cover of the Board, had no particular regard to yourself, but was grounded upon the practice of other Governors. and was onely given as a general direction to all. H.M. determination upon what you writ in relation to the Regiment, has not yet been signified unto us. The doubt that you mention the Lawyers had whether the first Act for regulating Courts was in force, is not well grounded; for it is an adjudged case (Lord Cook's 2nd Institutes *etc.*) that when an Act of repeal is repealed, the first Act which was repealed is revived: this we thought fit to take notice of

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for your future direction. We desire and expect as what is absolutely necessary for H.M. service that the Journals of Council and Assembly for the time which you have promised us, as likewise those for the time to come, be sent to us with all convenient dispatch. There being no account of the Revenue of the Leeward Islands in this office, we must in a particular manner remind you of that clause in your Instructions requiring you to send us transcripts thereof, and it being very much for H.M. service that we have the same, we are obliged to require you to send us exact copies of the receipts and payments of each particular branch of the Revenue from Dec., 1698, with yours and the Council's observations thereupon. And also that you inform us which of the said accounts have been audited, and which not: And herein you are to take care that the same be done from time to time in as full and effectual manner as by the said Instructions you are required to do. We are likewise to require you to send us the Naval Officers' List of ships entred and cleared in your Government, with an account of their ladings, according to the scheme at the end of your Instructions relating to the Acts of Trade. Tho the value of the old Seal were not considerable, you ought however to have been more carefull of it, it being to be laid before H.M. in Councill, and therefore if you recover any of the pieces, we desire you to send us the same. We doubt not H.M. Orders, confirming Lt. Governors Hamilton and Lambert, will be sent you. We are glad that the Queen's bounty ship is arrived, and approve of your distributing the provisions between the inhabitants of Nevis and St. Christophers. H.M. has been pleased to appoint Messrs. Bellman, Broadbelt and Millikin to be of the Council of Nevis. We enclose H.M. Order, April 17, relating to Capt. Pogson. *Directions as to probate and laws as No. 1006.* We must again remind you of your Instructions (which H.M. service will not allow to be dispensed with) which is that you send us as soon as may be a compleat and perfect collections of all the laws in force in each respective Island under your Governmt. etc. [C.O. 153, 10. pp. 20-27.]

June 26.
Virginia.

1010. Col. Jenings to the Council of Trade and Plantations. Since our letter of Oct. 26, we have neither received any commands from your Lordships, nor had anything to communicate worth your Lordps.' notice; and are sorry for this occasion of acquainting your Lordships that about five weeks agoe a ship arrived here belonging to Bristoll, the Master whereof brought an account that he, with five more vessells, viz., one of Plymouth, one of Lime, one of Whitehaven, and two of New England were taken about six leagues off our Capes by a French privateer of 18 guns, who ransom'd this ship and another, and carried the other four away, not being able to man any more. There is too much reason to believe that ye success of this privateer will encourage others to visite us more frequently; nor is it difficult for one or two privateers to intercept all the trade coming in or going out of the Capes without convoy. It is too probable

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that the loss H.M. may sustain in her Customs, besides that of her subjects, for want of a guardship here, may far overballance the charge of keeping one: and I humbly beg leave likewise to observe how easy a matter it is for a privateer, when he shal understand that there is no man of war in the Country, to come within the Capes and plunder the inhabitants, whereas the very name of a Guardship, tho of no very great force, would prevent such bold attempts. From all which I hope your Lordships will be fully satisfyed of the necessity of having a man of war constantly attending here, and humbly pray your Lordships' favour in obtaining one to be sent hither with directions at seasonable opportunitys to cruise some leagues off the Capes. This request of H.M. Council here, they humbly submit to your Lordships' consideration, *etc.* Your Lordships would have received, by this opportunity, the Council Journals, tho there is not anything material in them for your Lordps.' observation; but this going by a single ship, and being informed that two men of war may be daily expected, I shal forbear troubling your Lordships any further now, expecting then to have a more safe and ready conveyance. Col. Lightfoot, one of H.M. Council, being lately dead, pursuant to H.M. directions, John Lewis, Esq. hath been this day sworn of the Council. This H.M. Colony is in perfect quiet. *Signed*, E. Jenings. *Endorsed*, Reed. 22nd, Read Aug. 27, 1707. 1½ pp. *Enclosed*,

1010. i. List of Councillors in Virginia, June 27, 1707. 1 p.
[C.O. 5, 1315. Nos. 69, 69.i.; and (without enclosure)
5, 1362. pp. 257-259.]

June 26. **1011.** Same to the Earl of Sunderland. *Duplicates of*
Virginia. *preceding*. [C.O. 5, 1341. Nos. 8, 8.i.]

[June 27.] **1012.** L. Crabb to the Council of Trade and Plantations. Memorial as to his proposal for sending 4 men of war to the Leeward Islands. (*See B. of T. Journal*, June 27.) *Signed*, Law. Crabb. *Endorsed*, Recd. Read June 27, 1707. 1 p. [C.O. 152, 7. No. 12.]

June 27. **1013.** Virginia Merchants to the Council of Trade and Plantations. There is now at Spithead 15 or 20 saile bound to Lisbon, and there is now going to Lisbon to carry horses 10 or 15 more, which last are to be at Portsmouth by Aug. 2. All which ships upon their discharge are bound to Virginia. *Propose* that they should have a convoy to Lisbon and thence to Virginia. *Signed*, Arthur Bailey, Micajah Perry, Will. Phipard, John Hyde, John Goodwin. *Endorsed*, Recd. Read June 27, 1707. 1 p. [C.O. 5, 1315. No. 63; and 5, 1362. p. 237.]

June 27. **1014.** Mr. Bailey to W. Popple, jr. In explanation of preceding. The ships carrying horses are to have convoy to Portugal and no further. It is requested that a convoy may proceed with them from Lisbon to Virginia. *Signed*, Arthur Bailey. *Endorsed*, Recd. Read June 30, 1707. *Addressed*. 1 p. [C.O. 5, 1315. No. 64; and 5, 1362. pp. 237, 238.]

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June 27.
Whitehall.

1015. Council of Trade and Plantations to the Earl of Sunderland. Enclose following to be laid before H.M.

1015. i. Council of Trade and Plantations to the Queen. We humbly lay before your Majesty such of the Acts of Bermuda, 1690–1704, as have not yet been approved or disallowed by your Majesty, or have not expired. (a) Acts that need not either be confirmed or repealed by your Majesty at present, but may be left as Probationary Laws, viz. (1) *An Act for vacating the indefinite Acts made in 1690.* This Act sets forth, that none of the Acts past at the last Assembly being extant upon record nor any authentick copies of them remaining; nor any of them being transmitted to England; wherefore to avoid disputes that may hereafter arise in case any of those Acts be found, it repeals all the said Acts. As this Act stands, it has sufficiently provided for the want of the said Records, but should this Law be approved by your Majesty, it would effectually set aside such Laws as may be fit for confirmation in case they should ever be found; and therefore leaving it as probationary, it may be repealed at any time when your Majesty shall think fit. (2) *An Act laying an imposition on all Jews and reputed Jews trading in these Islands.* This Act passed 12 years ago, and tho there has been no complaints, nor has Mr. Solicitor General any objection against it, it will be however in your Majesty's power, by leaving it as probationary, to repeal it, if just cause should be at any time hereafter offered. (3) *An Act for punishing of officers and soldiers under pay that shall mutiny or desert.* We have no objection to this Law, which is to continue only during the war with France, but to one Clause whereby a power is given to the Court-Martial to discharge and cashier any officer from the further exercise of his office, who shall give or procure to be given any false or untrue certificate whereby to excuse any soldier or soldiers for their absence from any muster upon a pretence of sickness or other cause, or shall be guilty of any false muster; or who, having received the soldiers' pay, shall refuse to pay their Non-commission officers and soldiers their respective pay when due. The Court-Martial, before whom the said offences are to be tryed, is to consist of 9 persons, which number is to be made up out of the Commission Officers of the said Company and Militia there; whereby it may so happen that the majority of such Court-Martial may consist of the said Militia Officers: and therefore, tho it may be reasonable that power of suspension, till your Majesty's further pleasure be known, should be given in such cases, yet we humbly submit it to your Majesty whether it may be fitting to subject your Majesty's Commission Officers to be broke and cashered by a Court Martial so constituted. (b) We humbly

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lay before your Majesty for your disallowance and repeal (1) An Act for *trying any debt or difference not exceeding 20s. by the Justice of the Peace.* (2) An Act for the *recovery of debts from persons insolvent.* (3) An Act for *quieting men's estates etc.* (4) An Act for the *alteration and amendment of several Acts.* Quote objections of the Solicitor General to these Acts. [C.S.P. 1703. No. 1356.] Besides which, in the last Act we find the power of appointing especial Courts is taken from the Governor, which ought not to be allowed. (5) An Act for the *restraining and punishing privateers and pirates.* An Act of Parliament having past in England, for regulating the tryals of pirates in the Plantations and your Majesty having issued Commissions under the Great Seale of England to the respective Governors and others therein mentioned pursuant to the said Act, we humbly conceive that there is no need of this Act past in Bermuda, and therefore humbly offer that the said Act and the 4 foregoing Acts, for the reasons above mentioned, may receive your Majesty's disallowance. (c) Lastly, we humbly lay before your Majesty an Act to *regulate the Militia*, against which we have no objection but to one Clause, which enacts that if any of the officers or soldiers shall, when out of arms, endeavour to take revenge of his superior Officer for anything done by him in pursuance of his duty, the said persons shal be punished by a Court Martial, as if the offence had been done in time of service; provided the punishment do not extend to life or limb. But there is a like Law in force in Jamaica, and therefore we submit it to your Majesty whether such a Law may not be equally as necessary in Bermuda as in Jamaica. (d) Offer 24 Acts for confirmation. [C.O. 38, 6. pp. 296-312.]

June 28. **1016.** Col. Quarry to the Council of Trade and Plantations. Philadelphia. I have omitted no opportunity of paying my duty to your Lordships; my last was of Aprill 10, by a ship from Maryland, in which I gave a brief account of the severall neighbouring Governmts., but more particularly the confusion and distraction of Mr. Penn's two Governments, that of Pennsylvania and the other of the three Lower Countys, wch. the Lieut. Govr., without any orders or Instructions (that ever I could learn) hath made a distinct Governmt. of it, hath called Assemblys, made laws, levi'd taxes, and under pretence of something he calls a flort, they have laid an imposition on all ships or vessells that pass up or down the River, to force them to pay powder mony at a very extravagant rate, for a ship of 200 tunns amounts to neare 15*l.* in money, the merchants and inhabitants of Pennsylvia. are inflamed at this law, and refuse to submit to it, the Lieut. Govr. and Assembly of the Lower Countys resolve to stand by their law, so that the two Governmts. are in a state of warr, the

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fort firing guns wth. ball at all ships that will not submit too and pay the powder-mony, the Masters of the vessells are ordered not to submit or pay, but if the great gunns miss of doing execution, then they mann boats from the town of Newcastle and board the vessells, and take the Masters out of them, and carry them to goal, they have pursued vessells which passt by the ffort and have seized them in the Governmt. of the Jersys, even while H.E. my Ld. Cornbury was there, but his Lordship quickly interposed, and the vessell and prisoners taken within his Government was discharged, it is impossible for me to represent the confusion that is between these two Governmts. on this occasion, Mr. Penn's authority fighting against himself. But now I must lay the schene in Mr. Penn's own Province, and then the warr is as hott, and I fear of a worse consequence then between the two Governmts., for here is the Assembly against Mr. Penn and his Deputy, and they against them, the Deputy Governor hath strangely incens'd and disoblig'd all sorts of people, on the other hand the Assembly do carry their resentment agt. him and the Proprietor to that height that they are resolv'd to have all the Governmt. and powers into their own hands, they insist to have the sole regulation of all Courts, and the nomination of all officers, to sett when, and as often and as long as they please on their own adjournments, they have fill'd a volume with votes and resolves, and what they call their rights and priviledges, so that they have banish'd all Prerogative and Governmt. but what is lodg'd in the Assembly. I should quite tyre your Lordships should I pretend to tell you the tenth of their folly and extravagancy, wch. may sufficiently convince all men that the Quaker's principles is not consistent with Governmt. I ought not to call it principles, but rather temper and humor, wch. will oppose all Governmt. and submitt to none but what is lodg'd in their own hands. I did not think fitt to trouble your Lordships with a long history of these confusions, by reason I have dayly expected to have heard that Mr. Penn hath already surrendred up the Governmt. to the Queen, or at least that it is done by some other persons, for whenever the Government is in the Crown, all these confusions will be at an end, provided the Quakers are excluded from having the administration of the Governmt. in their hands, and now, that this great truth may more plainly appeare to your Lordships, I begg leave to shew of how pernicious a consequence the infectious humour, temper and evill principles of the Quakers are of, in relation to Governmt. ; give me leave to mind your Lordships of that dareing insolent Act passed by the Assembly of Pennsylvania, which directly strook at the Queen's Prerogative by disowning her Orders and Instructions, and passing an Act in opposition to it, this matter hath been laid before your Lordships, with an Address from H.M. good subjects, who are Members of the Church of England, setting forth the very great injurys and hardshipps, which they labour under by that unjust Act, all which hath been fully considered by your Lordships, and, as I am inform'd, the proper resolutions taken thereon, and therefore will not take up more

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of your Lordships' time, in making any further remarks or comments on it, but proceed to shew the evill effects and consequences of the Quakers insolent opposing and affronting the Queen's authority, and this will appear to your Lordships by the severall stepps taken by the same sect of people, the Quakers of H.M. Province of New Jersey. H.E. my Lord Cornbury having issu'd out writts for calling an Assembly, the first step taken by Samuell Jennings, the head of them, was his declaring that he would no longer serve the Queen as one of her Councill, his pretence was that he could not bear the charge of it, but the true reason was that it was not in his power in that station to doe so much mischief to the Queen's interest as he might doe in the Assembly, into which he was sure to be chosen, and in order to the having himself and others of his principles brought into the House of Burgesses, there was effectuall care taken to possess the whole country, that all their libertys and propertys lay at stake, and depended on their choice of the Assembly, they had prepared a list of such as they thought fitt for that purpose, and assured the people that, if they would choose them, that then there should be no money raised for the support of Government, nor any Militia Act past, this was too powerfull a baite, and produced the desired effect, those very men were chosen in the Western Division, and the same methods taken by Coll. Morris and his faction in the Eastern Division, but, for the more effectuall carrying on this design, the heads of the faction in both divisions agreed on a most scandalous libell, of which they got a vast number printed, and took care to disperse them thro' the whole province, perhapps there was never a more scandalous libell published, a copy of which, with the severall steps taken by H.E. to discover the authors and publishers I must referr to my Lord, who, I presume, sends it by this opportunity. And now, after all these indirect means used, it is not strange that they gain'd their end on an Assembly for their purpose, who, at the day appointed mett, and then, to shew that they were resolv'd to answer the end for which they were chosen, they sat above a month, in all which time they did not make the least stepps towards the preparing any Act for the support or defence of the Government, but their whole time was taken up in matters that did not concern them, the service of the Queen, or that of the Country, for the particulars I cannot refer to the Journall of the House, since the greatest part of what they did was secreted, not only from the Clerk of the Assembly, but from severall of their own Members, and whilst the House was busy in doing what was nothing to the purpose, Mr. Jennings and Coll. Morris, with the assistance of two or three others, was very hard at work in hatching the most scandalous paper that ever I saw in my life. I will not presume so farr on your Lordships' time, as to make remarks on the severall parts of it, since that will be done by all the Gentlemen of H.M. Councill for that Province, who are the most proper Judges, and therefore will referr to their Address, but cannot lett it pass without asserting thus much concerning it, that it is false,

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malitious, unjust, and most barbarously rude, they have treated H.E. most inhumanly without the least regard to his character under the Queen, nor have they so much as consider'd him as a Gentleman, but loaded him with scandalls, wch. they very well know are false, and cannot be prov'd, but I think my Lord ought to be easy under this barbarous usage, since they have not spared her most sacred Majestie, but have charg'd her with injustice, but there is still behind something of a more pernicious consequence then all this, which I think myself obliged to lay before your Lordships, you have seen that the Governmt. of Pennsylvania have thrown off all respect and regard for any of the Queen's Orders or Instructions, wch. appears to your Lordships by making an Act of Assembly directly opposite and contrary to them, were this evill confin'd to that Governmt. only, I should not give your Lordships any trouble about it, but the infection of this grand evill is spread over all the Queen's Governmts. ; and that it hath taken deep rooting in that of the Jersys will appear to your Lordships by my acquainting you that I was present in Councill when H.E., having occasion to summon Coll. Morris, Samuell Jennings, and severall others of the heads of that faction, his Lordshipp was pleased in order to the giving them satisfaction about some matters which they clammour'd against, to produce H.M. Instructions to them out of which he order'd some particular clauses to be read, thinking (as I suppose) that they would be concluded by them, but it had a quite contrary effect, for Coll. Morris, as the mouth of them all, told his Lordship that the Queen's Orders and Instructions did not concern or affect them, nor should it conclude them any further than they were warranted by Law, this bold assertion occasion'd some debate, but after all they were firm in this their pernicious principles, and now your Lordships may plainly see what these men do aim at, and what the consequence must quickly be, if not prevented, for, having thrown off all respect and obedience to the Queen's Orders and Instructions, by what must they be govern'd, for the Laws of England they will not allow off, but when it suits their interests, or to serve a turn, when it is contrary to their wild notions, then it shall not oblige them, unless the Queen will allow them to send their Representatives to sett in the Parliament of Great Britain, so that there is but one way more to govern those men, wch. must be by Laws of their own making, but in this they are safe enough, since they resolve to make no laws, but such as shall lessen and impair the Queen's prerogative and authority, and suit with their own humours, if H.M. Governors will not consent to such Laws, then they will give no money to support either Governor or Government, but all shall sink ; this is the games which they now resolve to play in Pennsylvla., New Jersey and New York, the first of these had not given the last tax, but as a bribe to have the Act passt for affronting and destroying the Queen's Orders, the Assembly of the Jersys resolve to give no mony, unless they can be freed from a Militia, and have an Act to ruin half the people of the Province, and should they gain all this, yet they will not

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give enough to support the Governmt., and that itself shall be under such circumstances and limitations as to answer no end, the renewen of New Yorke expires very quickly in May, 1709, and they resolve never to renew it. this is the discourse in every man's mouth, but some of the most considering men will say that perhapps they will give mony for the support of Governmt., but it shall be only from yeare to yeare, and disposed off as they think fit, so that the Governor and all the officers of the Governmt. shall depend on them for bread, and then farewell to the Queen's interest. Thus I have laid before your Lordships the plain and true state of these Provinces, which doe require your serious consideration and a speedy and effectuall remedy, were your Lordships on the spott to heare and observe, it would alarm you. I am sure it gives me many uneasy thoughts. I will not presume to propose the remedy of these great and growing evils, without your Lordships' leave and direction, but I am sure something ought to be done, and that quickly. I doe most humbly begg your Lordships' pardon for the freedome I take, since it proceeds from a most hearty zeale for the Queen's service. I am now hastening to visit all the Northern Governmts., from whence I shall find subject matter enough to give your Lordships the trouble of another letter, *etc.* *Signed*, Robt. Quarry. *Endorsed*, Recd. 7th. Read June 28, 1708. 4 pp. [C.O. 323, 6. No. 61; and 324, 9. pp. 189-199.]

June 30.
Barbados.

1017. Copy of Governor Crowe's Commission, appointing Dudley Woodbridge sole Judge of the High Court of Admiralty of Barbados. *Signed*, M. Crowe. *Subscribed*,

1017. i. Certificate that Woodbridge took the oaths appointed and signed the test, June 30, 1707. *Signed*, F. Merchant. *Annexed*,

1017. ii. H.R.H. the Lord High Admiral's Instructions to William Cleland and Dudley Woodbridge, Judges of the Admiralty Court, Barbados, with Interrogatories concerning prizes. Feb. 7, 1705. *Countersigned*, Rich. Crawley. *Latin*. [C.O. 319, 1. pp. 23-32.]

June 30.

1018. Mr. Willcocks to the Council of Trade and Plantations. Prays for a day to be appointed for hearing objections to the Act of Pensilvania relating to the qualifications of Magistrates, *etc.* *Signed*, Geo. Willcocks. *Endorsed*, Recd. Read June 30, 1707. 1 p. [C.O. 5, 1264. No. 8; and 5, 1292. pp. 9, 10.]

June 30.
Whitehall.

1019. Wm. Popple to Mr. Baily. The Council of Trade and Plantations think you ought to make your application (June 27) to the Admiralty, *etc.* [C.O. 5, 1362. p. 238.]

[June 30.]

1020. Capt. Jennings' proposals for capturing the Spanish Galleons, with Sir David Mitchell's criticism of them, and Capt. Jennings' reply thereto (*cf.* June 13 and B. of T. *Journal*, June 26). *Endorsed*, Reed. Read June 30, 1707. 1½ pp. [C.O. 323, 6. Nos. 38, 39.]

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July 1.
Whitehall. **1021.** W. Popple, jr., to Governor Hunter. Col. Blakeston having omitted whilst he was in town to take out H.M. Order repealing an Act of Virginia *concerning granting lands*, etc. [April 17], the same has lain in the Council Office ever since, and being but this day laid before their Lordps., they send you the same, and desire that you will upon your arrival in Virginia forthwith cause the said Order to be published and entred in the Council Books as usual. [*C.O.* 5, 1362. *pp.* 238, 239.]
- July 1. **1022.** Mr. Brodrick to [? *Mr. Linton*]. Reply to queries as to what restraints are in force to prevent English traders setting up tobacco manufactories in foreign parts. *Signed*, St. John Brodrick. *Endorsed*, Recd. from Mr. Linton, Read July 1, 1707. $6\frac{1}{4}$ *pp.* [*C.O.* 5, 1315. *No.* 65.]
- July 1. **1023.** Mr. Linton to the Council of Trade and Plantations. Memorial upon the tobacco trade. *Cf.* B. of T. *Journal*, July 1, and following Representation. *Signed*, John Linton. *Endorsed*, Recd. Read July 1, 1707. $2\frac{1}{4}$ *pp.* [*C.O.* 5, 1315. *No.* 66; and 5, 1362. *pp.* 247-251.]
- July 1.
Whitehall. **1024.** Council of Trade and Plantations to the Earl of Sunderland. *Enclose following*, which being of great importance to this Kingdom, we desire you will be pleased to lay the same before H.M. at the first convenient opportunity.
1024. i. Council of Trade and Plantations to the Queen. The Virginia and Maryland merchants have presented a Memorial to us, setting forth that the tobacco trade of this Kingdom, has been for some years past, and still is, under great discouragements and interruptions in regard to foreign export to Muscovy, Sweden, Denmark, France and Spain, those countries being now chiefly supplied with tobacco of foreign growth, whereby they apprehend a total disuse of our Plantation tobacco in these parts, *etc.* as June 17. Whereupon, having fully discoursed the said merchants and carefully examin'd such accounts, relating to that trade, as were produced to us from Holland and other foreign parts for our fuller information, we humbly represent, that we find in Utrecht, Gelderland, Overysse, and in the Dutchy of Cleves (where the tobacco plantations do chiefly lye), the growth of tobacco is of late very much increased; for whereas about seven years ago those Provinces did not produce yearly above 10,000,000*lb.* weight of tobacco, they have since from year to year so extended their plantations, that the produce for 1706, was computed to be above 27,000,000*lb.* And it appears that in Amsterdam there are from 30 to 40 large spinning houses for making up tobacco into roll, wherein are employed above 4,000 men, besides great numbers of women, boys and girls, particularly that in one house there is made up into roll for the tobacco farmers

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in France above 10,000,000*lbs.* weight mixt, half Dutch, half Virginia; whereas formerly France was supplied with leaf tobacco from this Kingdom, which they made up into roll at home. That there are in the said city about ten large cutting houses of tobacco for exportation, besides great numbers for inland consumption, and consumed on board the many ships belonging to the seven Provinces, which must be very great; and we are credibly informed that in the Province of Utrecht (during the time of sowing and getting in the tobacco) one man do's employ 1,000 persons, and constantly 300 in manufacturing the same, all which he sends to Muscovy without any mixture of our tobacco. That there are 40 large mills continually employed in flatting Virginia and inland stalks, like leafs, fit for cutting; the charge of flatting and cutting being about one stiver pound weight. This use of stalks is looked upon as the chief reason why Virginia tobacco is at so low a price in Holland, for they find the hott and dry tast of tobacco so mixed is more agreable to the Northern Palate, which together with it's cheapness, recommends it to those markets. We do further find that the quantity of tobacco made up in roll and exported from those Provinces every year (of which a certain account may be made) is above 12,000,000 of pound weight viz.

Millions of pounds weight;—	
To Norway	2½
To Lyfland	2½
„ Jutland and Denmark	1½
„ Dantzick and Con-	
„ Sweden	4
„ ingburgh	2

Besides many small parcels, of which there can be no exact account, so that near one half of the Dutch produce is exported in roll. That great parcels of their leaf tobacco are carried to several Ports of the Baltick, and there used for wrappers to the Pomeranian and Brandenburg tobacco, the produce of those Plantations being increased to near 20,000,000 of pounds weight, besides which a very considerable quantity grows at Strasbourg, Franckfort, and in Hungary, not less than 20,000,000 of pound weight, not to mention what grows at Circasia and other parts in the Czar's territories. The cutt tobacco carryed to the Baltick, Flanders, Frizeland, Munster and Westphalia (amounting to about 3,000,000 of pound weight) is a mixture of Dutch Inland with our Virginia, one half thereof Virginia stalks, and for the most part 'tis of ¾ stalks flattened and cutt with ¼ Inland. We have seen some letters from merchants at Riga and Revell to their correspondents here [June 16] which say that about 13 years ago the consumption of the Plantation tobacco of this Kingdom was very great in those parts, amounting yearly to about 800 or 1,000 hogsheads as well in roll as cutt, which was sold at very high prices, but that now we are almost

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beat out of those markets by the cheapness of Dutch tobacco imported there to double the quantity of what used formerly to be sent from hence. And they say the Dutch have so far ingross'd the tobacco trade in the North, that several parcels of our Plantation tobacco have lain in the merchants' warehouses at Riga and Revell 5, 6 or 10 years. Lastly, the merchants complain that, to the great discouragement of their trade, when any of your Majesty's ships of war go to Holland, or any other parts beyond the seas, the Pursers generally furnish themselves, for the seamen, with tobacco of foreign growth (which in goodness falls far short of our Plantation tobacco) or with our own tobacco on which a drawback has been allowed; wherein the Pursers find very great profit, such tobacco being purchased by them at 5*d.* per pound weight or under, and they sell it to our seamen at 19*d.* per pound weight, the established rate of the Navy. Whereas our tobacco, having paid a duty to your Majesty of 6½*d.* per pound weight, cannot be sold under 10*d.*; by reason whereof the consumption of our Plantation tobacco on board your Majesty's Royal Navy is very much lessned.

Merchants' proposals stated and considered:—There being at present no commerce with France by British shipping, 'tis proposed that during the present war, neutral ships be permitted to load tobacco in this Kingdom, on the account of foreign merchants in amity with your Majesty, and to carry the same directly to France. If this be approved, it will be necessary that the present Instructions to the Commanders of your Majesty's ships of war and privateers, as to that point, be altered; that suitable directions be given therein to the States General, to the end they may give the like Instructions to their ships of war and privateers. 'Tis likewise proposed that your Majesty's Ministers at the Courts of Spain and Portugal, be directed to endeavour the obtaining a liberty for your Majesty's subjects to import tobacco into the Dominions of those Princes for the use of your Majesty's forces there, as also a free importation of tobacco into such parts of Spain as are in alliance with your Majesty. And that the like Instructions be given to your Majesty's respective envoys at the Courts of Sweden and Muscow for a free and equal importation of tobacco into those parts, upon such terms as shal be thought reasonable. As to what relates to the import of tobacco into the Czar's dominions, we observe it is one of the propositions contained in our Representation of April 26, 1706, upon which the then Commission for Trade were of opinion that your Majesty's orders to be given therein, might be resped for some short time in consideration that a great quantity of tobacco imported into Russia

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by several of your Majesty's subjects (then under a particular contract with the Czar) lay unsold at Muscow. But the same having been since sold and delivered to his Czarish Majesty, we see no reason why your Majesty may not gratify the merchants in such manner as is therein desired. And we humbly offer that such a free importation may be further negotiated with the Minister of that Prince now residing at your Majesty's Court, by such methods as shal be judged most proper. This and the other foregoing propositions (to which we have nothing to object) may, we hope, in some measure ease the tobacco trade; otherwise 'tis to be feared that those Northern countries (formerly supplied by your Majesty's subjects with great quantities of tobacco) may in time be wholly furnished from another market: and experience has shewn that when the current of trade is once turned out of its channel, 'tis with great difficulty, if at all, brought back again. It has further been proposed that all tobacco used on board your Majesty's Royal Navy may be ship'd off from this Kingdom; that it be such tobacco as hath paid the full duty, and for that purpose that all Purser in your Majesty's service be effectually restrained from furnishing the seamen with tobacco of foreign growth. As to this proposition, we observe that all Plantation tobacco imported into this Kingdom pays a duty to your Majesty of $6\frac{1}{2}d.$ per *lb*; that of late years the drawback has been denyed for tobacco exported in ships of war for the use of the seamen, by reason whereof the cheapness of foreign tobacco (which is bought at $5d.$ per *lb.* weight or under) has occasion'd a very great consumption of such foreign tobacco on board the Royal Navy, whereby 'tis plain your Majesty's revenue is lessned $5\frac{1}{2}d.$ for every *lb.* weight of foreign tobacco so consumed, which for 390,000*lb.* weight of tobacco (as may be computed to be consumed yearly aboard the Navy at the rate of *1lb.* weight per man a month, and supposing one half of what is consumed to be of foreign growth) do's lessen your Majesty's revenue 4,671*l.* 17*s.* 6*d.* yearly; such a restriction, as to foreign tobacco, will 'tis true lessen the present unreasonable gain of the Purser about one half, *etc.*, which being in our opinion a sufficient profit to the Purser, without any hardship upon the seaman, and at the same time tending to the increase of that branch of your Majesty's revenue and of the tobacco trade, we see no reason why your Majesty may not gratify the merchants herein. Lastly 'tis proposed that a drawback be allowed on exportation of tobacco stalks manufactured in this Kingdom, which (when flatted and mixed with other tobacco) may be sold by our merchants at Riga, Revell, and other Northern markets as cheap as what is there sold by

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the Dutch. The great objection to this proposition is that the drawback upon stalks manufactured is of greater value than the commodity whereby the exporter will make to himself a considerable profit out of the public, tho the commodity so exported should be thrown overboard the minute the ship is out at sea, a practise that has been complained of in the case of another duty. But if, on the other hand, the home consumption of leaf tobacco will be greater, and thereby your Majesty's revenue increase in proportion to the drawbacks paid upon such exportation (as has been suggested) then we conceive that objection is answer'd. Whether such an allowance of the drawback may by law be made, or how far it may effect your Majesty's Customs, we shal not take upon us to determine, and do therefore only beg leave to offer our humble opinion that if a drawback may conveniently be allowed upon exportation of tobacco stalks manufactured and mixed, it will (for the reason mentioned in the proposition) be the most effectual method for restoring the tobacco trade. [C.O. 5, 1362. pp. 239-247.]

July 2. **1025.** Capt. Ekines to the Council of Trade and Plantations. Proposal to command a 4th rate man of war against the privateers of Martinico. See B. of T. *Journal*, July 3. Signed, Tho. Ekines. Endorsed, Recd. Read July 3, 1707. 1½ pp. [C.O. 152, 7. No. 13.]

July 2. **1026.** William Penn to Wm. Popple. Pray let the Lords forgive me that I say I am not a little surprized that the Lords put me upon answering quærys that have been so fully answer'd so long agoe, at least those that are proper to the surrender. As for the 1st, 2nd and 3rd quæry, I gave in an estimate above four years ago with as exact an account of what I sold as I could do here; but I cannot comprehend how my gains by the land comes before that Board. They may be sure I never received ¼ of my charges, nor dos this relate to the Governmt., the sole thing in Treaty; and which was all the Crown gave me for making a Colony to it, having bought the land of the natives at dear rates. The 4th quæry is answer'd very particularly in the Report made by the Board to the Lord High Treasurer, to which I refer. To the 5th and 6th quæry, I cannot be exact as to the charge, but it's what the Assembly of 1706 took care to supply for 3 years. I ask 20,000*l.*, of which 5,000*l.* to be paid there, and 15,000*l.* here; which I propose to be paid 8 in money, and 7 in English copper, with a patent for the coynage of it into small money, as pence, half-pence and farthings for the Colonys in those parts, which they stand in need of. To the last Quærie, the Charters lye in yt. Office, which the Lords may peruse; but they were long considered by that Board, before their Report was made, and I am extreemly concerned yt. after almost 6 years attendance and the necessary great expense thereof, with a family in town,

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that what has been done should be to be done over again, like a man that, being ready to enter his port, is blown back again to that he left: But I must submit, and therefore have sent this letter to thee, to be communicated to them with all respects. This had come sooner, but for being out of town and extraordinary business. I am Thy Assured Frd., Willm. Penn. *Endorsed*, Recd. Read July 2, 1707. 1½ pp. [C.O. 5, 1264. No. 9; and 5, 1292. pp. 10–12.]

July 3.
Whitehall.

1027. Wm. Popple, jr., to Wm. Lowndes. Moves for a report from the Commissioners of Customs upon the Acts relating to Ports in Virginia and Maryland. [C.O. 5, 1362. p. 252.]

July 3.
Whitehall.

1028. Mr. Graves to the Council of Trade and Plantations. Esq. Archdale, one of the Proprietors of Carolina, has related a very slender carrector of Capt. Holden to an acquaintance of mine, etc. *Signed*, Jon. Graves. *Endorsed*, Recd. Read July 3, 1707. *Addressed*. ¾ p. [C.O. 5, 1264. No. 10.]

July 3.

1029. W. Popple, jr., to Mr. Attorney General. Encloses former reports upon Acts of Maryland etc. (*See B. of T. Journal*, July 3.) [C.O. 5, 726. p. 454.]

July 5.
Windsor
Castle.

1030. (1) H.M. Commission to Walter Hamilton to be Lt. Gov. of Nevis. He is to observe the orders of Governor Parke during his residence upon his Government. *Countersigned*, Sunderland.
(2) H.M. Commission to Michael Lambert to be Lt. Gov. of St. Christophers. The above clause is omitted. 1 p. [C.O. 184, 1. No. 25; and 5, 210. pp. 37–39; and 153, 10. pp. 40, 41, 45, 46; and 152, 7. Nos. 18, 19.]

July 7.
Whitehall.

1031. Council of Trade and Plantations to the Earl of Sunderland. Enclose following to be laid before H.M.

1031. i. Council of Trade and Plantations to the Queen. Refer to interviews with Capt. Richd. Jennings, Lawrence Crabb, and with Stephen Duport (B. of T. *Journal*, June 18—July 3), “who has a considerable estate in St. Christophers and who before the persecution in France had commanded several of the French King’s ships, and is very knowing in those seas. They offer that the Leeward Islands, which are chiefly subsisted by provision ships from the Continent of America, are in a starving condition, owing to French privateers. The provisions, so taken by the French, serve not only to victual the French King’s ships, but also to subsist the inhabitants of Martinico and Guardaloupe, without which it would be very difficult for them to maintain their settlements (*see B. of T. Journal*). And that this account is true, we are induced to beleive from papers lying in our Office. (*Quoted. See C.S.P., 1703.*) Since when the number of privateers has increased. In order to protect the said Islands, to destroy the French privateers,

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and distress Martinico and Guardaloup, they propose that four ships of war, good and nimble saylors, viz. two 4th rate and two 5th well man'd be sent to the Leeward Islands; that they be joyned there by two Bermuda-built sloops, to be fitted out from Barbados, and one or two the like sloops from the Leeward Islands; that the Commander in Chief of those ships have orders at large to cruize where he shall think fit, without being tied up to particular stations; by which means they may pursue the privateers where and when they think fit; that the foresaid sloops will be of particular use in getting intelligence and pursuing the privateers in shallow waters where the ships of war cannot go; that by this means the trade to the Islands would not only be secured, but in less than two years the privateering trade would be so interrupted that there would not be one privateer left in Martinico and Guardaloup; and that those Islands must in consequence be reduced to the greatest extremities, having little or no provision but what they take in our ships coming from the Continent of America. We, upon due consideration thereof, being sensible that it is absolutely necessary effectual care should be taken for the suppressing of those privateers, to secure our trade in those parts, do humbly represent that if your Majesty's other important affairs will admit of such a number of ships to be sent according to this proposal, we have reason to believe that the same will fully answer those ends. We further humbly offer that, in case your Majesty shall think fit, that such a number of ships be sent upon this service, that then your Majesty's Governors of Barbados and the Leeward Islands have timely notice thereof that such a number of sloops as is proposed may be set out by the said Islands, so as to be ready to attend your Majesty's ships upon their arrival there. [C.O. 153, 10. pp. 28-33.]

July 8.
Whitehall.

1032. The Earl of Sunderland to the Council of Trade and Plantations. *Refers* to letter of March 29. *Encloses following*, for your proposal for the obviating of this difficulty. *Signed*, Sunderland. *Endorsed*, Reed. Read July 8, 1707. 1 p. *Enclosed*,

1032. i. Mr. Attorney General to the Earl of Sunderland. I have acquainted Mr. Jory with what I humbly inform'd your Lordship, that I thought it necessary there should be two Commissions, one to be executed in Nevis, the other in St. Christophers for expedition. He seems to be of the same opinion, *etc.* Your Lordshp. will be pleased to consider whether some other Commrs. are not fit to be added to those recommended by the Memorial, these losses being to be satisfied out of the publick moneys, it may perhaps be expected that an

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indifferent and exact estimate should be taken and returned ; should no other persons be added, I doubt it may be said the enquiry is committed to the parties themselves only who will be sure to do themselves justice, *etc.* *Signed*, Sim. Harcourt. *Copy.* $\frac{3}{4}$ p. [C.O. 152, 7. Nos. 16, 16.i ; and 153, 10. pp. 38, 39.]

July 8.
Whitehall.

1033. The Earl of Sunderland to the Council of Trade and Plantations. The enclosed petition having been laid before the Queen, you are to report the matter of fact and what you think fitting to be done. *Signed*, Sunderland. *Endorsed*, Reed. Read July 11, 1707. 1 p. *Enclosed*,

1033. i. Richard Budge to the Queen. His ship, the *Hope*, having been illegally condemned in 1702 by Governor Cornbury, he appealed, and H.M. ordered Sir C. Hedges to give him a letter requiring Lord Cornbury to make satisfaction. Petitioner attended him for 8 months with said letter, but he only recommended him to apply to H.M. for $\frac{1}{3}$ rd. and to the informer for another (who yet denied that he had received any part). The cargo of logwood was sold directly after the condemnation of the ship, without attending the issue of the appeal. Petitioner is deprived of his whole substance, and prays for relief. *Signed*, Richard Budge. [C.O. 5, 1049. Nos. 40, 40.i ; and 5, 1121. pp. 79-82.]

July 8.
Whitehall.

1034. Council of Trade and Plantations to the Earl of Sunderland. Enclose Capt. R. Jennings' proposal of June 13. [C.O. 324, 9. p. 146.]

July 8.
Whitehall.

1035. Earl of Sunderland to the Council of Trade and Plantations. I desire you will let me have a copy of ye Act as lately passed in Jamaica for enabling Cary Bodle and others to sell lands *etc.*, that I may send it to Mr. Attorney Generall for his opinion, *etc.* *Signed*, Sunderland. *Endorsed*, Reed. Read July 10, 1707. $\frac{3}{4}$ p. [C.O. 137, 7. No. 53 ; and 138, 12. p. 120.]

July 9.

1036. List of names proposed by Col. Jory. *See following.* *Endorsed*, Reed. Read July 9, 1707. 1 p. [C.O. 152, 7. No. 17.]

July 10.
Whitehall.

1037. Council of Trade and Plantations to the Earl of Sunderland. We have considered the objection made by Mr. Attorney General to the Commissioners named for Nevis and St. Kitts (July 8), and do agree with him that those persons being all sufferers may be thought too much byassed in their own behalf ; And therefore to obviate that objection which, if not removed, may be prejudicial to the inquiry when laid before the Parliament, we have consulted with Col. Jory, and with Mr. Dupont, who has a considerable estate in St. Kitts. They have inform'd us that there are very few, if any, in the said Islands qualified for the execution of such a Trust but who are one way or other interested in the said losses ; and therefore

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they have offered to us the following persons inhabiting Antego and Montserrat (Antego, Col. Edward Byam, Barry Tankard, George Gamble, Henry Sims and Valentine Morris; Mountserrat, Lt. Gov. Anthony Hodges, William Fry, George Milward, Wm. Gerrish and Joseph (?) Sims) or any three of them to be Commissioners for examining upon oath the 16 Commissioners named for Nevis and St. Kitts in relation to their own particular losses. We have no objection to them. But in regard the said Commissions are to be executed without any allowance, fee or reward whatsoever, and thereupon a doubt may arise whether the above-named Commissioners from Antego or Mountserrat will be at the charge of going to Nevis and St. Kitts, in such case Col. Jory and Mr. Duport propose that the Commissioners for Nevis and St. Kitts may transport themselves to Antego and Mountserrat and there make out their losses upon oath *etc.* *Autograph signatures.* 3 pp. [C.O. 184, 1. No. 26; and 153, 10. pp. 42-44; and 152, 39. No. 115.]

July 10. **1038.** Council of Trade and Plantations to the Earl of
Whitehall. Sunderland. Enclose Act of Jamaica to enable Cary Bodle, *etc.* (cf. July 8). The only objection made to the said Act in our representation of June 9, is that it wanted a saving to the right of H.M., *etc.* If Mr. Attorney Generall shall be of opinion that such a saving is not necessary, we have nothing to object why H.M. may not confirm the said Law. [C.O. 138, 12. pp. 121, 122.]

July 10. **1039.** Mr. Cox to Mr. Popple. Recommends Laurence Crabb
Southwark. of Antegua to be of the Council, he having a good estate in the place, *etc.* Signed, Charles Cox. Endorsed, Recd. Read July 11, 1707. 1 p. [C.O. 152, 7. No. 20; and 153, 10. pp. 46, 47.]

July 11. **1040.** Council of Trade and Plantations to the Earl of
Whitehall. Sunderland. Enclose following to be laid before H.M.

1040. i. Council of Trade and Plantations to the Queen. There being two vacancies in the Council of Antego, by the death of Henry Pearn, and the absence of Charles Mathews in England, propose Mr. Crabb, as in preceding. [C.O. 153, 10. p. 48.]

July 11. **1041.** Commandant Beeckman to the Dutch West India
(N.S.) Company. Signed, Samuel Beeckman. Dutch. 20 pp. Enclosed,
Fort 1041. i.-xxxiv. Accounts, petitions, inventories, *etc.* Dutch.
Kyckoveral, 85 pp. [C.O. 116, 20. Nos. 7, 7.i.-xxxiv.]
Essequibo.

July 11. **1042.** Council of Trade and Plantations to the Lord High
Whitehall. Treasurer. Enclose Office accounts from Lady Day to Midsummer, which, with those from Christmas to Lady Day, make 205*l.* 1*s.* 11*d.* See B. of T. Journal, July 11. [C.O. 389, 36. pp. 329-332.]

[July 11.] **1043.** Petty Expenses of the Board referred to above. 5 pp.
[C.O. 388, 76. Nos. 22-25.]

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July 11.
Whitehall.

1044. W. Popple, jr., to Mr. Solicitor General. Encloses, for his opinion in point of law, Act of New York, 1704, *granting sundry privileges to the Rector and inhabitants of the City of New York, of the Communion of the Church of England, etc.* [C.O. 5, 1121. pp. 78, 79.]

July 11.
Whitehall.

1045. The Earl of Sunderland to the Council of Trade and Plantations. Application having been made in behalf of Col. Hunter that whereas from the death of Major Nott to his succeeding him in the Government of Virginia, one moiety of the Governor's salary has been paid to the President of the Council there as usual, the other may be paid to Col. Hunter. I desire your opinion, to be laid before H.M. *Signed, Sunderland. Endorsed, Recd. Read July 14, 1707. 1 p.* [C.O. 5, 1315. No. 67; and 5, 1362. p. 252.]

July 12.

1046. Mr. Attorney General to the Earl of Sunderland. I have perused an Act passed in Jamaica *to enable Cary Bodle and others to sell lands etc.*, and am humbly of opinion that Act is not fit to be confirmed. The Act recites that King Charles II granted two parcells of land, containing 1,100 acres and 400 acres, to Dorothy Bannister and her heirs for ever, and that Dorothy Bannister convey'd the same to Dorothy Waite and her heirs for ever, and that Dorothy Waite afterwards married with Theodore Cary. The Act likewise recites that King Charles II granted 500 acres of land to Theodore Cary and his heys, and that Theodore Cary dyed without heys, and that King James II by his letters patents of escheat, Jan. 14th in the 4th year of his reign, granted to Dorothy Cary and John Bodle and their heires the said 500 acres. The Act likewise recites that John Bodle intermarried with Elizabeth the granddaughter of the said Dorothy Cary, and had issue by her, Cary, John and Thomas, and that Dorothy Cary by her will gave to John and Thomas 600*l.* each at their ages of 21, and all the rest of her estate, lands, tenements, etc. to Cary Bodle for his life, and to the heirs of his body lawfully to be begotten, with such remainders over in fault of issue of Cary as in ye will are mentioned. The Act likewise recites that John Bodle, the Father of the said Theodore, had contracted great debts in endeavouring to improve the estate, and that Cary Bodle by reason of the entayle in Dorothy's will, could not sell without an Act of the Assembly for that purpose. And thereupon trustees are appointed to sell 1,100, 400 and 500 acres, and the purchasers are by the Act secured in the enjoyment thereof. This Act I take to be lyable to the following objections. (1) The 500 acres are recited to have been escheated to the Crown, on the death of Theodore Cary without heyr. and the grant thereof by King James is mentioned to be after his abdication, viz. on Jan. 14th in the 4th year of his reign; if no sufficient grant has been made since the escheat, the title remains still in H.M. (2) Supposing Dorothy Cary to have a good title, and the three severall parcells well devised by her will, yet I see no necessity for an Act of Assembly

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to enable Cary Bodle to sell, for though the first words in her will devised the estate to him during his life only, yet the immediate following words (and to the heys of his body lawfully to be begotten) enlarge his estate, and make him tenant in tayle, and consequently he has a power to sell without the aid of an Act. (3) I conceive the want of a saving clause in this Act to be a further objection against H.M. approving the same. *Signed*, Sim. Harcourt. *Endorsed*, Recd. Read July 28th, 1707. *Copy*. 3 pp. [C.O. 137, 7. No. 54; and 138, 12. pp. 126-129.]

July 16.
Whitehall.

1047. Council of Trade and Plantations to the Earl of Sunderland. *Reply* to July 11. *Quote* procedure in cases of former Governors of Virginia, upon Governor Hunter's application regarding his salary. *Conclude*: We are of opinion that the Governor's salary shou'd not commence till the publication of his Commission upon his arrival within his Governmt., for if it was to commence from the death of his predecessor or the date of his Commission, he might loyter here in England to the prejudice of the Colony and of H.M. service. This therefore appears to us to have been done for the quick'ning the Governor's departure from hence. Shou'd H.M. gratify Col. Hunter in this [*h*]is request, we doubt not but it will be urged as a precedent in the like cases by future Governors in this and all other H.M. Plantations, which may prove of ill consequence to H.M. service, particularly in the delay of such Governor's repairing to his government: it being reasonable to think that any Governor will be glad as long as he can to avoid the expence and charge of living there, if his salary shal run on while he continues in England. One moiety of the Governor's salary for that Colony from Aug. 23, 1706-1707, which is sooner than the present Governor can in probability arrive there, does amount to 1,000*l*. [C.O. 5, 1362. pp. 253-255.]

July 19.

1048. Mr. Attorney General to the Earl of Sunderland. *Describes* the Commissions prepared for the enquiry into the losses at St. Kitts and Nevis *etc*. These Commissions being to be executed without any charge to the Crowne, it is scarce practicable to put it into a better method than your Lordship has commanded, but I wish the Publick may not pay dear for this good husbandry. It seems very reasonable to beleive that these Commissioners neither having, or expecting to have any reward from the Crowne, and being some of them fellow-sufferers, and others near neighbours to them, the losses will be estimated as high as may be, what they may amount to, I can't forsee, but the petition to the House of Commons mentions 500,000*l*. at least. *Proposes* that a Secretary be nominated for each Commission. *Signed*, Sim. Harcourt. 2 pp. [C.O. 152, 39. No. 114.]

July 19.
Whitehall.

1049. W. Popple, jr., to Wm. Penn. The Council of Trade and Plantations send you reasons offered by Mr. Wilcox against an

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Act passed in Pensylvania directing the qualifications of magistrates, etc., as also the dates of the Charters granted by you to the City of Philadelphia, and People of Pensylvania. They further desire you will let them have your particular answers to the several Queries transmitted to you May 12th last, to the end there may be no delay in the dispatch of your affair. [C.O. 5, 1292. pp. 12, 13.]

July 20.
New York.

1050. Governor Lord Cornbury to the Council of Trade and Plantations. I trouble your Lordshipps with these few lines only to enclose an Address to her Most Sacred Majesty, the Queen, etc.; this would have been done sooner, but for the difficulty of getting all the Members of the Councill together, we therefore hope we shall not be thought negligent of our duty. *Encloses* duplicate of letter of June 7, etc. In March last I sent copys of all the proceedings in the Assemblys of this Province since my coming hither, and of all the Minutes of Councill till Mr. Clarke came to be Secretary, and some since that time, I hope the rest will be ready in a short time, I hope to send them by the next ships, which will sail in about three weeks' time. I have nothing new to acquaint your Lordshipps with relating to this Province, only that two privatiers, one from Placentia, and the other from Petit Guaves, have been upon this coast, the first was an English packet boat called the *Queen Ann*, she was taken in the West Indies, and was made a privatier. I had notice some privatiers threatned our coast, I therefore ordered Capt. Davis with H.M.S. *Triton's* prize to cruise between the Capes of De La Ware, and the East end of Long Island, before he could get ready, I went to the Jerseys; after I was gone he applyed himself to the Gentlemen of the Councill for some men that he wanted, they considering that it was the season of the year for vessels to come in, and fearing delays might be dangerous, they gave an order to Capt. Mathews to send a Lieutenant and 20 men of this garrison on board the *Triton's* prize, which was done, and immediatly he went to sea, and that night he saw the privatier, gave her chase all night, and at 5 of the clock in the morning he came alongside of her, and poured in his broadside, the first volley of small shot the privatier made Capt. Davis was shot in the neck, two souldiers and two sailors were killed, and five more wounded, of which one sailor is since dead and one souldier will dye, the privatier had 14 guns and 180 men, and fought very stoutly, but Capt. Davis plyed him soe warmly that the privatier was forced to run, the *Triton's* prize chased her till night, that the wind dying away, the privatier took to her oars and soe got away. Capt. Davis behaved himself as bravely and as well as any man in the world could doe, having lost sight of the privatier, he came into Sandyhook, and sent up the wounded men, and the Gentlemen of the Councill sent him downe some sailors they had caused to be pressed, the next day he put to sea again, but had not the luck to meet with the privatier, in few days the time of his cruise being expired, he came into Sandyhook, and himself came up

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to towne to acquaint me with what had hapned in his cruise, two or three days afterwards I received a letter from Col. Seymour, Governor of Maryland, and another from Col. Jennings, President of the Council of Virginia, to acquaint me that a French privatier lay cruising off of the Capes of Virginia, and had taken 7 vessels bound in thither from England and other places; that one of the prizes had ransomed and acquainted them with it, that they had noe man of warr in their Governments, and desired I would send one of the men of warr here to cruise upon their coast, I sent for Capt. Davis, and asked him how soon he could be ready to sail, he told me in two days, and the second day he did sail, and 70 leagues off the Capes of Virginia he retook a Virginia ship, which had been taken 4 days before by a smal privatier of 4 guns and 70 men, he brought the retaken ship into Sandyhook, sent her up hither, and is gone to sea again in hopes to meet with the privatier. This is all I can acquaint your Lordships with at present. I have not had the honour of a line from your Lordships these many months. *Signed*, Cornbury. *Endorsed*, Recd. Jan. 27, Read Feb. 12, 1707. *Holograph*. 2 pp. [C.O. 5, 1049. No. 45; and 5, 1121. pp. 113-116.]

July 20. **1051.** The Queen to Governor Parke. You are to appoint Windsor Castle. Col. Daniel Smith to the first Lieut. Governorship in the Leeward Islands that falls vacant, etc. *Countersigned*, Sunderland. [C.O. 5, 210. pp. 40, 41.]

July 21. **1052.** Order of Queen in Council. Confirming 7 Acts of Windsor. Jamaica. *Signed*, John Povey. *Endorsed*, Recd. Read July 28, 1707. 3 pp. [C.O. 137, 7. No. 55; and 138, 12. pp. 130-133.]

July 21. **1053.** Order of Queen in Council. Repealing Act of Jamaica Windsor. enabling Cary Bodle, etc. *Signed and endorsed as preceding*. 1½ pp. [C.O. 137, 7. No. 56; and 138, 12. pp. 133, 134.]

July 21. **1054.** Order of Queen in Council. Approving representation Windsor. of June 9, concerning Act of Jamaica for additional subsistence, etc., and directing accordingly. *Set out*, Acts of Privy Council, II. p. 527. *Signed*, William Blathwayt. *Endorsed as preceding*. 2 pp. [C.O. 137, 7. No. 57; and 138, 12. pp. 135-137.]

July 21. **1055.** Council of Trade and Plantations to the Earl of Whitehall. Sunderland. Enclose following to be laid before H.M.

1055. i. Council of Trade and Plantations to the Queen. Report upon petition of T. Barrow (June 23). Quote Governor Handasyd, Jan. 29. As this is a general charge without any proof; as there is nothing alledged against him in relation to his behaviour as a practitioner in the Law, and as on the other hand, we have a very good character of Barrow from Sir G. Heathcote, one of the Agents for that Island, and from Col. Laws, who was many years Chief Justice there, we humbly conceive

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that he ought not to be restrained from the practice of the Law in that Island, to which having bin once admitted by the Courts there, he has an undoubted right, and ought to enjoy the same till convicted of such misbehaviour as shall amount to a forfeiture of such right. And therefore we humbly offer to your Majesty that your royal pleasure be signified to Col. Handasyd to permitt Barrow upon due application made, to practice as an Attorney at Law in all your Majesty's Courts in that Island, he behaving himself peaceably and with a respectfull deportment to your Majesty's Governor and to the Courts there. [*C.O.* 138, 12. *pp.* 122-126.]

July 21.
Whitehall.

1056. Council of Trade and Plantations to the Earl of Sunderland. Having prepared a representation to be laid before H.M. in Councill upon an Act lately past in Barbadoes for remedying the inconveniencies arisen by the Act for establishing of paper bills, and it being of very great moment to the Planters there, and to the merchants here, who have been sufferers by the said bills, that this Act be as soon as possible confirmed by H.M., We desire your Lordship that the enclosed representation may be laid before H.M. as soon as may be for H.M. directions thereupon. *Annexed,*

1056. i. Council of Trade and Plantations to the Queen. Report on Act of Barbados past Aprill 25, 1707, *to ascertain the payment of such bills as have been issued pursuant to a late Act to supply the want of cash, etc.* This Act is in pursuance of your Majestie's letter of Nov. 8 last. Its purport is for appointing Commissioners to take an account and to discharge and pay off such bills as were issued by the former repealed Act. Having thereupon consulted the merchants and others concerned in that Island, who have been sufferers by the said bills, they unanimously agree with us that the said Act, if confirmed by your Majesty, will in a great measure remedy the inconveniencies complained of. Wherefore we humbly offer that your Majesty be pleased to declare your royal approbation of the said Act, and that the signification of your Majesty's pleasure herein be dispatch'd to Barbadoes by the first opportunity that shall offer. [*C.O.* 29, 11. *pp.* 81-84.]

July 22.
Whitehall.

1057. The Earl of Sunderland to the Council of Trade and Plantations. I desire you will think of two persons to act as Secretaries to the Commissions of Nevis and St. Christophers, and of suitable salaries to be allowed them. *Signed,* Sunderland. *Endorsed,* Reed. Read July 23, 1707. 1 p. [*C.O.* 152, 7. *No.* 21; and 153, 10. *p.* 49.]

July 23.

1058. Mr. Attorney General to the Earl of Sunderland. I have prepared a clause for each Commission for enquiring into the losses at Nevis and St. Kitts, to appoint Secretaries. I

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submit whether it may not be more proper to appoint their rewards by Privy Seal, or some other way then in the Commission. The Commissioners may possibly expect a Salary when they see their Secretary has one, or think themselves neglected, *etc.* *Signed*, Sim. Harcourt. 1 p. [C.O. 152, 39. No. 116.]

July 23.
Customs-
house,
London.

1059. Commissioners of the Customs to the Lord High Treasurer. Report upon an Act of Virginia relating to the admeasuremt. of ships. As the duty is to be computed according to the admeasurement of the ships' tonnage, and not the contents of her lading, wee can by no meanes agree that this admeasurement should be equall to the quantity of goods brought home, and be a stated rule to pay by, as is proposed by these merchants, which would be very erroneous, from their owne acknowledgemt. that a ship measuring 472 tunns by this clause will load no more then 225 tunns of tobacco in hhds., which are enlarged in size and weight near double to what they formerly were. But wee are humbly of opinion, with some of the Members of Trinity House, with whom wee have consulted, that the shipwright's is the most equitable rule for ascertaining the tonnage of mercht. shippes, since (as they say) the purchasers of them allways agree, and willingly pay according to it. *Shipwright's rule described.* *Signed*, T. Newport, T. Hall, Sam. Clarke, M. Dudley. *Endorsed*, Recd. July 29, Read Oct. 20, 1707. 1 p. *Enclosed*,

1059. i. Clause from an Act of Virginia for the support of the Government, 1706. 1 p.

1059. ii. W. Popple to W. Lowndes, May 14, 1707. *Copy*. 1 p.

1059. iii. Virginia Merchants and Shippers to the Council of Trade and Plantations. *Copy*. 2¼ pp.

1059. iv. Same to the Commissioners of Customs. June 13, 1707. 1 p. [C.O. 5, 1315. Nos. 71, 71.i.-iv.; and (without enclosures) 5, 1362. pp. 261, 262.]

July 24.
Whitehall.

1060. Council of Trade and Plantations to the Earl of Sunderland. Propose Christopher Rhodes and Nathaniel Estwick to be Secretaries of the Commissions of Enquiry at Nevis and St. Kitts, with Salaries of 250*l.* sterl. each, an allowance for incident charges, and an advance of 100*l.* each for necessaries for their voyage. We desire your Lordship will procure an order for their accommodation on board the packet-boat, *etc.* [C.O. 153, 10. pp. 50, 51.]

July 26.
Windsor
Castle.

1061. H.M. Warrant for admitting Lawrence Crabb to the Council of Antegoa. *Countersigned*, Sunderland. 1 p. [C.O. 7, 1. No. 17; and 5, 210. p. 41.]

July 26.
Windsor
Castle.

1062. H.M. Warrant appointing Thomas Hodges Attorney General of Barbados, with a proviso obliging him to actual residence there, and to execute the said office in his own person, *etc.* *Countersigned*, Sunderland. [C.O. 5, 210. p. 42.]

1707.
July 27.
Windsor
Castle.

1063. (1) H.M. Commission to Col. John Garnet, Col. Stephen Payne, Capt. Henry Burrell, Capt. John Barryan, Capt. John Gallard, Capt. Robt. Davis, Capt. John Panton, John Hackshaw, to inquire into the losses sustained by the inhabitants of St. Kitts from the French, other than such losses as have been sustained by any of the said Commissioners, which are to be enquired into by Col. Edward Byam, Barry Tankard, George Gamble, Henry Sims, Valentine Morris, Col. Anthony Hodges, Col. Wm. Fry, George Milward, Wm. Gerrish and John Sims. Nathaniel Estwick is appointed Secretary to the Commission. *Counter-signed, Sunderland.*

(2) Similar Commission to Col. Daniel Smith, Col. Richard Abbot, Col. Thomas Butler, Thomas Minor, John Huffam, Joseph Symonds, Thomas Colgrave and Samuel Brown, to enquire into the losses at Nevis: their own losses to be enquired into by Col. Byam *etc. as in preceding.* Christopher Rhodes is appointed Secretary to the Commission. *Countersigned, Sunderland.*

(3) Instructions of Messrs. Estwick and Rhodes *as above.* They are to receive no fee whatever beyond the salary allowed them by H.M. *Signed, A. R. The whole endorsed, Recd. Read Aug. 4, 1707. 6 pp. [C.O. 239, 1. Nos. 20, 21; and 152, 7. No. 22; and 5, 210. pp. 43-54.]*

July 28.
Windsor.

1064. Order of Queen in Council. Confirming Law of Barbados to ascertain the payment of bills, *etc. Signed, John Povey. Endorsed, Recd. 9th, Read Aug. 14, 1707. 2 pp. [C.O. 28, 10. No. 30; and 29, 11. pp. 92-94.]*

July 28.

1065. Clerks of the Board to the Council of Trade and Plantations. A lively sense of our continued disappointments; the smallness of our salaries; the great taxes and fees deducted from the same when paid; few or no perquisites accruing to us, as in other offices, *etc.*, together with one whole year's arrear due to us from his late Majesty King William; and our salary due at Midsummer last likewise one other year in arrear, obliges us to pray your Lordships to interpose with the Lord High Treasurer for our immediate relief and quarterly payment for the future, *etc.* 10 signatures, two of which are deleted. 1 p. *[C.O. 388, 76. No. 26.]*

July 28.
Whitehall.

1066. Council of Trade and Plantations to the Lord High Treasurer. *Enclose and recommend preceding petition.* The whole time of the under-officers is taken up in the service of this Board; there are no fees of profit attached to their employments; the fees and taxes paid out of their salaries are considerable; for want of their salaries severall of them have been obliged to run into debt, and their creditors being now out of patience threaten them with the utmost severity of the Law. *[C.O. 389, 36. pp. 332, 333.]*

July 28.
Whitehall.

1067. Council of Trade and Plantations to Lord Sunderland. Enclose draught of letter to Governor Handasyd (*see* July 21

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and Aug. 2) relating to the Act for *providing an additional subsistance, etc.*, which your Lordship will please to lay before H.M. at the first opportunity. Upon this occasion we desire of your Lordship that when anything is ordered by H.M. which relates to the business of this Board we may from time to time be acquainted therewith, and that the dates of H.M. signatures of such letters as shall be prepared by us for that purpose may be transmitted to us in order to have the same entred in our books. [C.O. 138, 12. pp. 137-140.]

July 29.
Whitehall.

1068. Council of Trade and Plantations to the Earl of Sunderland. Enclose following Report, which being as we conceive of great importance to H.M. service in New York, we desire it may be laid before H.M. at the first convenient opportunity.

1068. i. Council of Trade and Plantations to the Queen. Having under our consideration such laws passed in New York as have not yet been confirmed or repealed, we beg leave for the present to lay before your Majesty two of the said Acts, which in our opinion ought in the first place to receive your royal pleasure, (i.) *for vacating several extravagant grants of land made by Governor Benjamin Fletcher, etc.* and (ii.) *for the repealing several Acts of Assembly, and declaring other Ordinances published as Acts of Assembly to be void.* Upon the Earl of Bellomont's arrival in that Province he met with great difficulties by reason of several undue practices introduced there by the said preceeding Governor, and particularly in relation to extravagant grants of land, whereof the Earl of Bellomont was informed by a Memorial from the then Attorney General of New York. *Refer to Representation of Oct. 19, 1698, and Order of the Lords Justices, Nov. 10, 1698.* Upon the receipt of which, Lord Bellomont passed the first mentioned Act (1699) annulling 8 extravagant grants of land (*enumerated*). Besides the 8 foregoing grants so vacated, there do still remain in force several other exorbitant grants, with the particulars whereof we shal forbear to trouble your Majesty till such time as it shal be judged proper by your Majesty to have the like method taken for vacating and annulling the said remaining grants, by an Act to be passed in that Province, which however, from the reasons given by the Earl of Bellomont, we do apprehend may prove a work of great difficulty. The aforesaid Act for vacating Col. Fletcher's grants having been transmitted hither, objections were made against confirming it, in substance as follows:—"That such proceedings wou'd render the properties of all lands uncertain and precarious. That the Lords Justices' Instructions being to break the grants by legal means, the word legal must relate to the Law in being. That therefore these Instructions can only mean to vacate the grants by a proceeding in the ordinary course of

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justice. That the lands of Dellius and Bayard were by the grantees purchased of the Indians, and afterwards grants were taken of them from the Crown under small quit-rents by way of acknowledgment to fix the tenure and sovereignty of them in the Crown; so that as to these lands, the Revenues are not diminished by the said grants, but the territories and dominions of the Crown are enlarged. That if leases and conveyances were made of any of the land thus granted, the particular persons therein concern'd would suffer unjustly. Nobody would lend money upon a mortgage of any of these lands, or make improvements under these grants, or accept any long leases or conveyances upon them, nor accept them upon settlements in marriage etc. That supposing the grants are extravagant, they ought not therefore to be annulled, but rather retrenched, and brought to reasonable limits. That if the power of revoking grants be left to a Governor, Council and Assembly, the Governor may have the choice of so many of the Council, and have such an influence in having his own creatures returned to be of the Assembly, that he may at any time act arbitrarily and unjustly in such revocations. That in this case no redress being to be had, otherwise than by complaining to the Crown of such undue elections, and the matter being to be proved by witnesses to be produced here, it will be so chargeable that few or none will venture upon a thing of that nature, so that justice will very hardly be obtain'd. That his late Majesty having solemnly declared, under his great seal, that grants made by his Governors, with the advice of the Council, should be good and effectual against H.M., his heirs and successors etc., it would lessen the royal credit." To all which Mr. Champante, then Agent for New York, did reply. "That the Assembly being according to the Constitution of the Province, their passing the Act which repeals the grants is pursuant to the Lords Justices' Instructions, which intended a proceeding by the legislative power, by the words made use of viz. *breaking, annulling*. That Dellius' and Bayard's grants were surreptitiously obtain'd, the proprietors being then out against the French, and not above six or eight being privy to the transaction, besides that those few were made drunk, and a vast tract of land obtain'd for a very little purchase. Upon my Lord Bellomont's entring on that Government, and his Lordship's citation of the persons therein concern'd, two of the Patentees of the Mohacqs' lands surrendered their part of the said grant, declaring that their meaning was, that the land should solely and wholly be kept by them in trust for the benefit of the Mohack Indians. That the Indians themselves did, by a public Address to the

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then Commander in Chief and Council there, thank his late Majesty for restoring to them their land. That if Delliuss's grant be not revoked, the neighbouring Indians will be constrained to desert and fly to the French. That, in cases of this nature, particular claims may afterwards be provided for. That the demesnes of the royal forts at New York, viz. the lease made to the Church of the King's farm, which used to supply the Governors with corn; the meadow passed away to Capt. Evans, and part of the King's Garden to Col. Heathcote, are extravagant, tho not in extent, yet in their nature. That there is not a Christian inhabitant on either of Mr. Delliuss's grants, neither that whereof he was sole grantee, nor on the other wherein Schuyler and others were partners with him, viz., the Mohack's land; and the other grants are liable to as great or greater exceptions." A strong argument urged for vacating these grants is, that great quantities of masts and other timber fit for naval stores grow upon the lands thus granted away, which cannot be regain'd to the benefit of the Crown till the grants are vacated. *Annex* Sir John Hawles' Report and the exceptions taken thereunto by Mr. Champante. Thus the matter stood till the Lord Cornbury's arrival in that Province, when an Assembly was called, and the foresaid Act was passed, for repealing several Acts of Assembly *etc.* (1702). This Act repeals 3 Acts which were passed by the Earl of Bellomont. (i.) *An Act for regulating elections for Representatives in General Assembly, etc.*, which Act was confirmed by his late Majesty Sept. 5, 1700, and appears to us to be a good Law, and ought not to have been repealed by the Assembly there, without your Majesty's leave first had. (ii.) *An Act to prevent vexatious suits, and settling and quieting the minds of H.M. subjects within this Province*, and (iii.) the for-mentioned Act *for vacating several extravagant grants, etc.* And by general words, the said Act repeals all Acts past at an Assembly held there from Aug. 19, 1701, to Oct. 18 following; And in due time we shal lay before your Majesty such of them as we conceive may be fit and proper for your Majesty's royal confirmation. The reasons given for the repealing the foresaid Acts are set forth in the preamble of the said Act of Repeal as follows, viz. "That several Acts and Laws have lately been passed in this Colony, with plausible and colourable titles and pretences, some of them incongruous and unjust in themselves, others to obtain private and sinister ends under the cloak of public good, many pretended Acts as Laws by persons unqualified by right or law to sit, or act in the Legislative power, and by several as were not the choice of the people, and all of them instead of being for the profit and advantage

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of the subject as they ought to be, have been and proved to the destruction of property, the confining and enervating of liberty, ruinous to Trade, to the impoverishing of the people, a discouragement to industry, and hurtfull to the settlement and prosperity of the Colony." The Lord Cornbury has not given us any particular instances or proofs to make good the foresaid general allegations, several of which seem to be of an extraordinary nature, particularly those relating to the undue elections and disability of several Members who constituted the Assembly as therein mentioned. But on the contrary, such of the so repealed Acts as have hitherto been under our consideration, appearing to us to be for your Majesty's service and the good of that Province, we are humbly of opinion that your Majesty be pleased to signify your disapprobation of the foresaid Act *repealing several Acts, etc.* As to the Act *for vacating several extravagant grants, etc.*, we are humbly of opinion that such exorbitant grants as are therein mentioned are highly prejudicial to that Province, wherein we are confirmed by letters from the Lord Cornbury, complaining of the said grants, and declaring that for some time he refused to pass the above-mentioned Act of Repeal, whereby the foresaid vacating Act is among others repealed, till he was induced thereunto by the Assembly's having at the same time passed the Mony Bill, in that letter mentioned. And we do therefore concur with the late Commissioners of Trade and Plantations in their annex'd Representation, that it is absolutely necessary the said grants be vacated; but that an allowance be nevertheless made by way of regrant to every such grantee of a suitable number of acres, not exceeding 2,000, to any one person under a yearly quit rent of 2s. 6d. for every 100 acres, with a covenant to plant, settle and effectually cultivate at least 3 acres of land for every 50 acres so taken up within 3 years at the farthest, upon forfeiture of every such grant. If your Majesty shal think fit to approve thereof, then we further propose, for the more convenient and equal setting out such lands, that the Governor, Lieutenant Governor, Collector, Secretary and Surveyor General of that Province for the time being (the Surveyor General always to be one), or any three or more of them, be empowered to set out the lands so to be regranted, they having regard to the profitable and unprofitable acres, so that each grantee may have a proportionate number of one sort and t'other, as was done upon the planting and settling your Majesty's Kingdom of Ireland. And that the production of naval stores in those parts may not receive any impediment by such grants, we further humbly offer, that in all new patents the grantees be restrained,

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under the penalty of forfeiting their patent, from burning the woods to clear the land, and that there be a particular reservation of all trees of the diameter of 24 *in.* and upwards, at 12 *in.* from the ground, for masts for your Majesty's Royal Navy, as also of such other trees as may be fit to make plank, knees etc. for the use of your Majesty's said Navy. And in order thereunto we humbly offer that your Majesty be pleased to approve and confirm the said Act *for vacating Coll. Fletcher's extravagant grants.* [C.O. 5, 1121. pp. 83-98.]

July 29. **1069.** Council of Trade and Plantations to the Earl of
Whitehall. Sunderland. Having this morning received a letter from Governor Crow of June 5, wherein he complains of the great distractions he found the Island in at his arrival occasioned by the late Paper Act, and takes notice to us that it is H.M. pleasure Mr. John Holder should be a Member of the Council notwithstanding the complaints that have been made against him, as one of the chief promoters of that Paper Act; and we not being informed how that matter stands, desire your Lordship will be pleased to let us know, whether there has been any such signification of H.M. pleasure, without which we cannot make an answer to that part of the Governor's said letter, which we think necessary to be done by the first opportunity, nor can we, as occasion may require, make a just representation to H.M. upon the state of the Council there, particularly in relation to the said Holder, who was at first irregularly admitted into the Council by Sir B. Granville the morning he left that Island, contrary to his express Instructions, and has been notoriously active in promoting ye late disorders there, as is set forth in our representation to H.M. of May 28. [C.O. 29, 11. pp. 89, 90.]

July 29. **1070.** W. Popple, jr., to Wm. Lowndes. Encloses copy
Whitehall. of Mr. Bridger's letter, Jan. 5, 1707, to be laid before the Lord High Treasurer. [C.O. 5, 912. p. 385.]

July 30. **1071.** Governor Crowe to the Council of Trade and Planta-
Barbados. tions. By the packet boat that arrived here on last Sunday I had the honour of your Lordships' of May 9, and congratulate your Lordships on H.M. gracious choice of such experienced Members of that Board, etc. By H.M.S. *Crowne* (who I hope may be in England before this letter) I send the papers you desire, with an exact acct. of what has past in the short time I have been here, etc. I have appointed Fryday next to publish the Union Act with what solemnity this poore place is capeable off. The 60 days for the convoy's stay here expires to-morrow, but by reason of the Paper Credit, and the difficulty of shipping sugars from the wharfs (which by the carelessness of an unthinking people are almost destroyed by banks of sand, soe that the cask can only now be put into the boats at high water), it will be impossible that the merchant ships should be

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fully loaden in less than ten days more. I shall hasten them all I can, they have only two men of war for to protect them, wch. indeed is but a slender convoy, for soe many valuable ships. I shall order the *Lynn* to see them so far as the latitude 19 or 20, for fear of the Martineco privateers. Capt. Hayward in the *Deale Castle* went downe with Commodore Wager to clean at Antego, and is not yet returned. H.M. additional Instructions investing the eldest Councillor wth. ye powers of Commander in Cheif in case of my death or absence, shall be duely entred at the next Meeting of the Councill, the frequency of wch. and other indispensible dutys in rectifying so many unaccountable errors in this distracted Government has much impair'd my health. We have had a Generall Distemper within these two months that few, or none, has been free from, but blessed be God, not very mortall, although fatall to severall of my Domesticks. *Signed*, M. Crowe. *Endorsed*, Recd. 8th. Read Oct. 22, 1707. *Holograph*. 2 pp. [C.O. 28, 10. Nos. 38, and (duplicate) 38.i.; and 29, 11. pp. 115-118.]

July 31.

1072. Attorney General to the Council of Trade and Plantations. Report upon the Act of Maryland relating to Ordinary Licences, *etc.* (See May 16, *etc.*) There is not any salary granted by the Letters Patents constituting Sir T. Laurence Secretary, nor any express mention that the Ordinary licences, or any other matter, in particular, is granted to the Secretary, but the patent contains a grant of the office, with all rights, privileges, profits, perquisites and advantages to the said office belonging, incident or appertaining, and in such manner and form as any Secretary of any of their (*late*) Majestys' Provinces in America, for or by reason of the exercise of such office might lawfully have or enjoy. Under the general words of which patent, I conceive, Sir Th. Laurence, as Secretary of Maryland, ought to have the benefit of the Ordinary licences, the same having been usually enjoy'd as perquisites of that office, under the Government of the Lord Baltimore, the late proprietor thereof, until his late Majesty, *with the consent of the Lord Baltimore*, thought fit to take that Government under his immediate care and protection; but by the Act of Assembly for Regulating of Ordinaries (1704) (which is to continue from the making thereof, for 3 years, and from thence to the end of the next Assembly) the benefit of the Ordinary licences are taken away from the Secretary and apply'd in ease of the publick charge of each County in which such Ordinary-keepers live. This Act is the second attempt of this kind that has been made since the resuming the Government of this Province by the Crown. The first Act whereby this perquisite of the Secretary's office was taken away, pass'd at an Assembly, 1692, under the Government of Col. Copley, by which Act the benefit of the Ordinary licences was granted to Coll. Copley himself, and that Act was dissallowed, March 2, 1692, and H.M. in Council was then pleased to order that Sir T. Laurence should enjoy the full benefit of his Office, according to the said letters patent. In obedience to which Order, several

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temporary Acts of Assembly, from 3 years to 3 years, have since pass'd, whereby the profits of the Ordinary licences, during the continuance of those Acts, were given to the Secretary, by virtue whereof Sir T. Laurence enjoy'd the same, but the last of those Acts being expired, the Act of Assembly, now under your Lordships' consideration, pass'd in Oct., 1704, whereby the profits of those licences are appropriated to defray the charge of the publick. And I am humbly of opinion that the last mention'd Act of Assembly is derogatory to H.M. prerogative, in taking away from the Secretary, who is a Patent-Officer of the Crown, the just perquisites of his office, without any previous Order from H.M. for that purpose, and that 'twill be for H.M. service that this Law should be disallow'd as soon as conveniently may be, especially since the like Act hath been once already disapproved in Council and disallow'd. This Act will continue in force till H.M. declares her dissent thereto, and signifies the same to the Governor, before which time the Act will be very near expired, and I apprehend no manner of inconvenience by there being any small interval of time between the determination of this Act, and the Meeting of the next Assembly. And I am also of opinion that the granting of licences by the Justices of each County to such persons as they think proper for keeping Ordinaries, having been found for many years to be of great convenience, there seems to be no reason why the said Act should be made temporary, from 3 years to 3 years only; wherefore I conceive, if your Lordships shall think fit to represent your opinion to H.M., that this Law should be disallowed, it may be also proper for your Lordships to represent to H.M. that it may be for H.M. service, that at the next Assembly, the Act concerning Ordinaries might be made perpetual, or at least for a much longer duration than it has hitherto been made, and the benefit of the licences appropriated for the use of the Secretary for the time being, as fully, to all intents and purposes as the said Sir T. Laurence, or any other Secretary of that Province, has at any time heretofore held or enjoy'd the same, which will not only be some satisfaction to Sir T. Laurence for the damage he has sustain'd by this last Act of Assembly, but will be a certain establishment for the Secretary of that Province, whereby his office will be render'd less precarious and dependent upon the inhabitants of that Province than at present it is. I think it my duty to observe to your Lordships that Sir T. Laurence's patent was actually determin'd upon the demise of the late King, and that his enjoyment of the said Office for so many years since, without any patent from H.M., is not warrantable by Law, by virtue of the Proclamation on H.M. Accession to the Throne; such a Proclamation upon any Prince's Accession to the Throne has usually issued, and been thought justifiable in respect of the necessity of continuing the Commissions then in being on foot, in that manner, till there might be a proper and convenient opportunity to settle and issue new Commissions in a regular manner, but 'twas never yet thought that such a Proclamation could continue in force during the life of any King or Queen

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by whom such Proclamation was issued, unless their pleasure to the contrary should be declar'd. I humbly signify this to your Lordships, in regard there may be many other cases in the Plantations of this nature. Sir T. Laurence seems to have a more reasonable excuse for not renewing his patent than other officers in the like case, in regard to the interruption he has had in receiving the benefit thereof: but he declares to me he is applying for H.M. favour for renewing his patent. *Signed*, Sim. Harcourt. *Endorsed*, Reed. Aug. 5. Read Oct. 21, 1707. 2 pp. *Enclosed*,

1072. i. Duplicate of No. 929.

1072. ii. List of papers relating to Sir T. Laurence's complaint. 1½ pp. [*C.O.* 5, 716. *Nos.* 31, 31.i., ii.; and (*without enclosures*) 5, 726. pp. 476-481.]

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Whitehall.

1073. Council of Trade and Plantations to Governor Handasyd. Since our letter of June 26, we have received information from good hands that there are two privateers belonging to Jamaica which lye concealed on the Spanish coast and there intercept the Spanish canoes as they come from trading with our ships, and take from them the goods they have bought of us; and that several of the principal traders of Jamaica are concerned in the said privateers as owners. We are much surprised that we had not the first account of this matter from yourself, and as we look upon such evill practices to be highly injurious to the honour of H.M. Government, a violation of the publick faith, prejudicial to the interest of King Charles III, and tending to the ruin of our present trade with the subjects of the Spanish nation in those parts, which trade (so beneficial to this Kingdom) may notwithstanding the war be carryed on in such manner as H.M. Additional Instruction on that behalf is declared and allowed. We do expect that you forthwith make a strict inquiry into the matter of the above mentioned complaint, and take care, as much as in you lyes, to discourage and prevent the like dangerous practices for the future, so that the true intent and meaning of H.M. foresaid Instruction may not be eluded, but be duly complied with. And we desire you will by the first opportunity give us a particular account of your proceedings herein, together with the names of the persons who have any ways been concerned in such practices, that as occasion shall require we may lay the same before H.M. for her further pleasure therein. So we doubt not of your care and ready compliyance in a matter of this consequence. We send you here inclosed H.M. Order in Councill of July 21 for confirming 7 Acts past at Jamaica, that you may take care it be made publick as usual. Also another Order repealing an Act relating to Cary Bodle; and that you may understand the reason, we inclose a copy of Mr. Attorney General's Report. As to the Act for raising an additional subsistance for the officers and soldiers, you will receive a letter from H.M. signifying her dislike of the hardships which by that Act are laid upon the soldiers. *Annexed*,

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1073. i. Account of 2 privateers, *as above*. Jamaica, April 3, 1707. *Endorsed*, Recd. from Sir G. Heathcote, July 31, 1707. 1 p. [C.O. 138, 12. pp. 141-144; and (*enclosure only*) 137, 7. No. 58.]

Aug. 1.
Whitehall.

- 1074.** The Earl of Sunderland to the Council of Trade and Plantations. You are to prepare Instructions for the Secretaries of the Commissions for Nevis and St. Kitts *as proposed July 24. Signed*, Sunderland. *Endorsed*, Recd. Read Aug. 4, 1707. 1 p. [C.O. 152, 7. No. 23; and 153, 10. p. 52.]

Aug. 2.
Whitehall.

- 1075.** The Earl of Sunderland to the Council of Trade and Plantations. H.M. has thought fit to appoint Thomas Hodges Attorney Generall of Barbadoes, *etc. as No. 1062. Signed*, Sunderland. *Endorsed*, Recd. Read Aug. 4, 1707. 1 p. [C.O. 28, 10. No. 29; and 29, 11. p. 91.]

Aug. 2.
Windsor
Castle.

- 1076.** The Queen to Governor Handasyd. Whereas by our Order in Council of Nov. 14, 1706, we did signify our disapprobation of the Act past in the General Assembly of our Island of Jamaica for providing an additional subsistence for our officers and soldiers, and for other uses, and whereas the said Assembly have again past another Act to provide an additional subsistence for our said officers and soldiers from Feb. 1, 1706, to Feb. 1, 1707, with the same clauses as those in the former (an abstract of which clauses are herewith sent you) and whereas we cannot but judge the said clauses as a great burthen and discouragement imposed upon the soldiery, which happens the more unseasonable at this time, when they are upon harder duty by reason of the war, our will and pleasure is that you signify to the Assembly, that we look upon their proceeding herein, after our having signified our disallowance of their former Act, as a high disrespect and disregard to us, in passing such clauses as are so injurious to the officers and soldiers, sent by us for their safety and defence, and therefore you are to move them in the most effectual manner, that they do not make any future Act lay such unreasonable hardships upon the soldiery. *Countersigned*, Sunderland. *Annexed*,

1076. i. Abstract of Act of Jamaica, *to provide an additional subsistence, etc.* The whole, 1½ pp. [C.O. 137, 45. Nos. 87, 87.i.; and 5, 210. pp. 55, 56; and (*without abstract*) 138, 12. pp. 139, 140.]

Aug. 4.
Antigua.

- 1077.** Governor Parke to the Council of Trade and Plantations. I have by this packett received a duplicate of a letter from your Lordships of March 11, in which your Lordships think the Islands of Antigua and St. Christopher's allowance for my House is too much. I beleive I have the misfortune to be the first Governor your Lordships ever thought had too much allowed him by the Country for his House, I have no more than my predecessor, nor more than I am allowed in my Instructions to take; for tho they pretend to allow a thousand pounds per ann., 'tis this

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country mony paid in sugar at 18s. per cwt., wch. is sold in sterling mony at six shill. per cwt., so in reallity I have but 333*l.* 6s. 8*d.* I have the least sallery of any of the Queen's Governors except Bermudus; and have four times the trouble, having four Governments, each Island being a seperate Government, I receive but 1,100*l.* in mony from the Treasury, and that not paid as my Agent informes me, all my perquesites I lett at 60*l.* ster. per ann., and he that rents it will not give it an other year, this wth. what the Islands allow me for my House is what I have comeing in all manner of wayes. I am forced to keep two Houses, one at Antigua and an other at St. Christophers; everything is so very dear I can hardly live uppon my incomb: and yett I never lived worse in all my life; I came over 26 in family, there is now but 4 left, 5 indead are gone for England, the rest are dead; I myselfe have had the Plague; the Pestilence and bloody flux, and have been out of my bed but 4 dayes of a malignant feaver; I am so weak I can hardly write to yr. Lopps.; cou'd I have foreseen what I was to suffer and how little 'twas possible for me to gett, I wou'd never have come over; I should not think your Lopps.' sallery to much were it 3 times as much as 'tis; and cant but think myselfe very unhappy yt. yr. Lopps. should think myne too great, considering I have no more than my predecessor, and much less than I was promised when I had the Comission given me; the Duke promised me the Government of Virginia at ye Battle of Blenheim, but for some reasons of State, that was given to my Ld. Orkney, and this given to me wth. a promise ye sallery should be the same, wch. is 2,000*l.* sterl. the year, I find myselfe mistaken and at this distance forgot; all my predecessors have had complaints against them from some Island or other in less than six months after their arrivall, Coll. Codrington had severall in less than three; Sir Wm. Matthew would have had one in less than three had he lived, for they were preparing one before he fell sick. I have been here above a year, and believe you will not be troubled wth. any publick complaint, except the people of Nevis complain yt. I took from them some gunns and armes they did not want, and caryed them to St. John's where they were wanted; I think 'tis my duty not to suffer the Queen's stores to ley useless in one Island when they are very much wanted in an other. In the same letter your Lopps. tax me wth. breaking my Instructions in swearing Major Panton and Capt. Willet of the Council of St. Christophers, when there was ten Councillors on the place, *etc.* There are the ten names indead, and yett I had but five Councillors; Coll. Lambert is the Governor and is never esteamed as one of the Council; MackArthur, tho made a Councillor both to Sir Wm. and myselfe, yett was dead long before Sir Wm. was made Governor; Sam Crook has been bed-rid a great while, Charles Matthew has been in England above two year and designes not to come back, Clayton was never in my list; I hear he had the Queen's letter to be of the Council, but never would be sworne, he was the most substantial man on ye Island, and shou'd have been glad to have had him of ye Council; now there being but 5 I

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thought it for ye service to make them 7, for there must be 5 to make a Council, and 'tis great odds but one or two are either off the Island or sick ; my Lords these Islands are very differant from Barbados or the other Governments, for the people there make their Court to the Governor to be of the Council, and to be Officers in the Militia ; here I am forced to Court people to accept of these places ; 'tis so little in my power to oblige people that there is no one place in the four Governments but what I am forced to Court them to accept, all places evan those of small vallue are given away in England by Patent and are executed accordingly by Deputys, evan ye hangman's place, wch. we call here Marshall. I have received an other letter from yr. Lordshipps, May 9, wherein I am allso accused for breaking my Instructions in ordering Mr. Bellman, Mr. Broadbelt and Mr. Millikin to be sworn of the Council of Nevis, when there were 7 on the place. I must beg leave to inform your Lopps. of your mistake in this as well as the other. I had, 'tis true, 11 in my Instructions for Nevis, but some were dead, others in England, all that were there that wou'd serve were these ; Wm. Burt, Jno. Smergin, James Bevon, Wm. Buttler, and Richd. Abbot, of these, Jno. Smergin was bed-rid and has been so some time, so that I had but four, and the adding those three made but seven, one of these refuses to serve, wch. is Coll. Bellman ; as for Mr. Minor I don't know him ; he has never been swore of the Council in my time ; they tell me there is such a man in England, who did formerly trade in Nevis ; I have eleaven named for Antigua, but there is but six ever serves, the rest are either dead, off the Island, or laid up wth. the gout, I have desired severall to be of the Council, but they desire to be excused, saying it will give them trouble without either privilege or proffit ; you order me to send you the names of six of the most eminent men in each Island ; for this Island there is Wm. Thomas, Richard Oliver, Tho. Williams, Sam. Wattkins, Lucy Blackman, and Geo. Mackennis ; if you make them Councillors, you may add Esqr. to their names ; when the fleet arrives I must goe to the rest of the Islands and uppon each Island will send a list of six of those accounted ye most substantial. Your Lordshipp reminds me of my duty in Mr. Baron's Order of Council ; wch. is directed to me for Col. Codrington to make restitution of a ship that he seized of Baron's, and yt. if Codrington would not restore her wthout suit at Law, that there should be a special verdict that Baron might appeal for England ; I show'd Codrington the Order ; he refuses to restore what Baron demands. I acquainted Baron's Attorney wth. it and told him to sue Col. Codrington, he answerd me that 'twould be very expensive, and that Mr. Baron had not sent him any mony, and that he would not lay out any of his own ; I have done all yt. was possible for me to do in it, and 'tis Mr. Baron's own fault, or the Law would have long since determined this matter ; for my part Codrington, every one knows, has done all he can to make me uneasy ; I am not his friend nor he mine ; and whenever Mr. Baron begins his suit, he will have very fair play ; the stay of the packett

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will not allow me time to enquire after the affair of Freeman, as soon as I can be master of it, will inform your Lopps. There are as many men fitt to bear armes on Nevis as there was when Monr. D' Bervill took it. All are returned ; and had they not had the sickness last year, there would have been nobody miss'd, except every one missing part of his negroes ; the reasons why the English decrees on most of these Islands as I conceive are these ; the Islands are small, and as some grow rich, they buy out their poor neighbours (first oppressing them) ; an other reason is they breed up their slaves to all manner of trades ; and no servants now comes over ; and every year there is a sickness, in one or other of the Islands ; the People of this Island does give incouragement to poor People, they are exemted from taxes and have lands appropriated for their use ; and tax lands to discourage the holding of great quantitys ; but the People of Nevis keep up their lands, wch. is in the hands of a few ; severall of them live in England, and keep only one Englishman to look after great numbers of slaves ; St. Christophers may be made a fine and populous Island ; if we keep the French part and the land given in small pieces. I will send a list of all the inhabitants as soon as it can be procured wth. the number of slaves as you order me ; but this very thing was the occasion in some measure yt. D'Bervill went to Nevis ; for Coll. Johnson sending the account of the inhabitants and the number of negroes, either the original or a duplicate was taken, where they found there was on Nevis 14,000 negroes and but abt. 400 English to defend them ; this put them first on yt. project. As I have heitherto followed all yr. Orders as near as 'twas possible for me, I will continue so to do, as long as I stay in these hott, unhealthy Islands. The comodetys are black course sugar, ginger and cotton ; and some small quantities of indigo ; Ireland and ye Continent of America furnishes them wth. provisions and lumber, Madera wth. wine, England wth. all other necessaryes ; good Custom House Officers will prevent clandestine trade *etc.* *Signed*, Daniel Parke. *Endorsed*, Recd. 25th, Read Oct. 28th, 1707. 8 pp. *Enclosed*,

1077. i. List of Councillors of the Leeward Islands that now act as such. Aug. 4, 1707. Note added by Governor Parke :—All these I call Esqrs. being of H.M. Council, but such Esqrs. as some of them are yr. Lopps. never saw. *Same endorsement.* 2 pp. [C.O. 152, 7. Nos. 27, 27.i. ; and (without enclosure) 153, 10. pp. 66–76.]

Aug. 4.
Windsor.

1078. Order of Queen in Council. The Council of Trade and Plantations are to hear and report upon any new matter of complaint against Mr. Jones [see June 16]. *Signed*, Chris. Musgrave. *Endorsed*, Recd. 26th, Read Aug. 27th, 1707. 1½ pp. [C.O. 37, 8. No. 41 ; and 38, 6. pp. 314, 315.]

Aug. 4.
Windsor.

1079. Order of Queen in Council. Upon Representation of June 13, Judge Cox is discharged from the complaint brought against him. *Signed*, Chris. Musgrave. *Endorsed*, Recd. 9th,

1707.

Read Aug. 14th, 1707 1 p. [C.O. 28, 10. No. 31; and 29, 11. pp. 94, 95.]

Aug. 4.
Windsor.

1080. Order of Queen in Council. Upon the Report of the Council of Trade, and the petition of Mrs. Sharpe, the proceedings of Col. Wm. Sharpe are approved, and he is discharged from the complaint brought against him by Messrs. Cleland, Colleton and Holder. *Signed and endorsed as preceding.* 1½ pp. [C.O. 28, 10. No. 32; and 29, 11. pp. 95-97.]

Aug. 4.
Windsor.

1081. Order of Queen in Council. Col. Cleland is dismissed from the Council and all other employments in Barbados. Warrant to be prepared accordingly. *Signed and endorsed as preceding.* 1 p. [C.O. 28, 10. No. 33; and 29, 11. pp. 98, 99.]

Aug. 4.
Whitehall.

1082. Council of Trade and Plantations to the Earl of Sunderland. Enclose draught of Instructions for the Secretaries of the Commission for Nevis and St. Kitts. In case of the death of one or both of the Secretaries, we submit it to H.M., whether it may not be proper that a power be lodged in the Governor or Commander in Chief of the Leeward Islands for the time being to supply such vacancy or vacancies, by a fit person or persons, to the end there may be no delay in the execution of H.M. Commission. *Annexed,*

1082. i. Draught of Instructions referred to above. See July 27. [C.O. 153, 10. pp. 53-59; and (covering letter only, with autograph signatures, 2 pp.) 152, 39. No. 117.]

Aug. 4.
Windsor.

1083. Order of Queen in Council. Referring Representation of July 7, relating to privateers at Martinique etc., to the Lord High Admiral for his report. *Signed,* Chris. Musgrave. *Endorsed,* Recd. 9th, Read Aug. 14th, 1707. 1 p. [C.O. 152, 7. No. 24; and 153, 10. pp. 59, 60.]

Aug. 4.
Windsor.

1084. Order of Queen in Council. Thomas Barrow is to be permitted (upon his making due application to the Governor) to practice as an Attorney at Law in all H.M. Courts in Jamaica, he behaving himself peaceably and with a respectfull deportment to H.M. Governor and the Courts. *Signed,* Chris. Musgrave. *Endorsed,* Recd. Aug. 9, Read Oct. 23, 1707. 2 pp. [C.O. 137, 7. No. 59; and 138, 12. pp. 144-146.]

Aug. 4.
Windsor.

1085. Order of Queen in Council. Approving Representation of May 28. The Council of Trade and Plantations are to prepare letters to Governors of H.M. Plantations directing them to oblige Members of Council to a due attendance. *Signed,* Chris. Musgrave. *Endorsed,* Recd. Aug. 9, Read Oct. 21, 1707. 1½ pp. [C.O. 28, 10. No. 36; and 29, 11. pp. 110, 111.]

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Aug. 5.

1086. Sir T. Laurence to the Council of Trade and Plantations. Prays for a report upon his memorials *etc.* *Signed*, Thomas Laurence. *Endorsed*, Recd. Aug. 5, Read Oct. 21, 1707. *Holograph*. 14 pp. [C.O. 5, 716. No. 30; and 5, 726. pp. 474-476.]

Aug. 5.
Whitehall.

1087. The Earl of Sunderland to Governor Parke. *Acknowledges* letters of Feb. 15 and March 29. What you write concerning Col. Whetham is sent to Mr. St. John. The French squadron by which you have been alarmed is returned to Brest, and so good care will be taken for your security that I hope you will not any more have occasion to be under any apprehensions of this kind. *Signed*, Sunderland. *P.S.*—*Refers* to Commission of Enquiry into losses at Nevis and St. Kitts. If either of the Secretaries should dye, you will do well to appoint some fitting person to supply his place. *Encloses* H.M. letter for the removal of Capt. Pogson, *etc.* [C.O. 5, 210. pp. 58, 59.]

Aug. 5.
Whitehall.

1088. Same to Governor Handasyd. *Acknowledges* letters of March 8 and April 21. H.M. approves of what you have done in relation to the Assembly, and as to what relates to the regiment, it is referred to Mr. St. John, *etc.* The French ships have returned *etc. as in preceding.* *Signed*, Sunderland. [C.O. 5, 210. p. 59.]

Aug. 5.
Whitehall.

1089. Same to Governor Crowe. I have reced. your letter from the Maderas and those wrote to me from Barbados, May 15 and June 5. I agree with you that Mr. Holder is represented as one that has been very active in promoting the disorders in that Island, tho I must tell you by the way that he was recommended by Mr. Bromley, Mr. Walters and Mr. Kendale. However, when the matter is laid before the Queen, I doubt not but H.M. will give such orders therein as will be most conducive to the ease and satisfaction of her subjects there. I doubt not of your care to quiet those disturbances and settle the tranquillity of the Island in the doing of which you may assure yourself of all the assistance and encouragement from hence. H.M. has approved of the report of the Council of Trade against Mr. Cleland, and that in justification of Mr. Sharp and Judge Cox, which I hope will have a good effect in the Island, and with your prudent government will serve to quiet the disturbances there. H.M. is very well pleased with your resolution to preside in person in the Courts of Justice to prevent the irregularity's and riots which have of late been committed there; and the answer you gave to the Address of the Assembly has been commended as very prudent and a judicious one. As for the Chartel, I shall enquire for it at the Councill of Trade, and I will acquaint you with H.M. pleasure as soon as it comes to my hands. H.M. has been pleased to appoint Mr. Hodges to be Attorney Genll. in your Island in the roome of Mr. Chilton, deceased. He is a person of a very fair character, and has been so well recommended to the Queen that I do not question but he will answer the trust

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that is reposed in him. *Signed*, Sunderland. [C.O. 5, 210. pp. 57, 58.]

Aug. 8.
Barbadoes.

1090. Governor Crowe to the Council of Trade and Plantations. The incloseds are duplicates of my last, to wch. I humbly crave reference, and begg your Lordships in your next to send me H.M. pleasure how I should governe myselfe in the Courte of Chancery; wheather to sitt sole Judge there, as by the Seale, Commission, Instructions, Petitions and Decrees of thatt Courte I now apprehend; and only to take the Counselors' oppinions in all matters of equity thatt may come before thatt Court, or as it has been usuall take theire voates and oblidged thereby to singe a Decree contrarey to my judgmt. and oath. If H.M. should thinke itt for her servisse thatt the Governour should be sole Chancelor, it would be nesisarey to give him power to constitute another in casse of sickenesse or other extreordinairey occations, or thatt ye first Counselor should offisiat. My Lords, any ill desingeing Gouvernour will screne himselfe under ye votes of the Counsell, and a just one will never doe anything contrarey to his contiance. In Sir B. Granvill's time the Barresters (who are not above seaven) gott an order contrarey to an Ackt of this Island, thatt none should plead in any Courte but them, by wch. some old practissioners of ye Law were silenced, and these 6 or seaven Gentlemen made a minopeley of the whole, refusing to plead under such exorbitant sums as seldome has been heard off, soe that many poore people has been oblidged to forgoe theire right for want of money to fee them. And altho there is a Law for settling Attorneys' fees (who when that Ackt past wear and are still accounted lawears and plead hear) the Barresters apprehend they are not oblidged thereby. I have in conformety to said Law given licence to all thatt formerly had any to plead againe, for eayse of ye poor and good of the Island. Your Lordships will find this greavance amongst thosse complayned of by the Grand Jurey. I shall endeavor to regulate ye rest as time will permitt. Indeed, if some meathud be not taken for cleareing the Bridge Towne Road, itt will be imposible in few years to load any suggrs. from the wharfes. Itt would be verely nesisarey and save H.M. a greate sune yearly, to have a person apoynted, with a small salerey of 50*l.* per annum to muster the men of warr, who often demand more men then they realy want of their compliments, and afterwards desposse of them att greate rates to the merchant shippes. In examineing ye Pattent offices, I find none for ye Clarke of ye Merkett, nor Causeuall Revenew, soe thesse places are supplied with fitt persons untill H.M. pleasure be further knowne. I have seen all the forts and fortifications of the Island and desinged to have sent your Lordships platts thereof with this, butt they cannot be finished in time, shall goe per next man of warr. The Island is soe much in debt thatt they will not be able to compleat St. Anns, without H.M. would be gratusly pleased to grant them some allowance out of the 4½ *p.c.* I compeute 5,000*l.* exclusive of ye negros' laboure would finish itt. Col. Lilley, who

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is a verrey ingeanious deserveing man, has showne me some other places verrey nessimarey to be fortified, but we are not in a condition to efeckt itt, and indeed there has been such abuissees in the manidgemt. of the Publicke money thatt dishartens the inhabitants from engaging in any greate work. The Planters have brought a petition agst. the late Act, wch. was desinged to reamedy the paper creaditt, wch. has been soe destruckfull to this place, hearewith I send a copy of the Atorney Ginerall's opinion thereon. The Counsell has made a suplementall Bill to reamedey whatt is found wanting in said Act, espeaceley to reinstate those H.M. was pleased to order should not be sufferers by parteing with there just debts or leagall securetyes, said bill now lyes before the Assembly for there concurrence. By the adjoynd Adresses and answeares, with the Mineuts of the Counsell and Assembly, your Lordships will perseave whatt has been done since my arrivell, and how much of my time has been taken up in rectifieing former mistakes wch. required immediate inspection; I am sorey to tell your Lordships there has not an Act past in the President's time but wants amendment. I have desired the merchts' advice as to trade, and soe sounne as this Fleet sayles, I hope they will thinke on whatt I have recommended to them. I begg your Lordships' directions on the Assembly's bill aboute the alteration of the coyne. By the storekeeper's Accts. of the Magasine, your Lordships will perseave there wants seaverall things there, and whatt a small quantity of powder remaines. Everey Coll. and Capt. ussed to fire the guns in the forts att there pleasure, wch. I have wholly restrained. There is aboute 200 barrells more in the severall devitions thatt the Coll. keeps for the usse of the Battereys. I sent downe H.M.S. *Crowne* and *Medstone* to creusse of St. Vincents and Domineco, who have brought me up some of the cheafe Indieans from both Islands, who I have cloath'd and been kinde to. They tell me have been and will continew verrey loyall to H.M., but I observe they understand more French then English, and Capt. Clarke says he saw some little whitte flaggs out att St. Vincents soe sounne as his ship appear'd, but could not learne that any French weare settled there. The Blacks and Indieans have been for some time att warr there. I intend to send the pretended Kings of both Islands a presant, and send H.M. Union flagg to be hoysted on any occation, and keep the best correspondance I can with them. There is not above 3 writts of error, and your Lordships will perseave ye few causes now depending in the Chancery list. All the Inferier Courts are duely held. I have not since my arivell had any complaint agst. them. Last Fryday I proclaimed the Unicon with all the solemnity this place could afford. It's above two monthes since I ordered the Churchwardens of each Parrish to bring me an exackt list of all the Inhabitants, both Christians and slaves, and how many of each weare fitt to bear armes, as also the number of horssees fitt for servisse, but there has been such a generall destemper throughout ye whole Island, that 4 of ye Parishes has not been able to comply with said order; I hope to have itt ready agst. next man of warr

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sayles. This sicknesse has prevented me from vewing the Malitia, wch. I shall per first opertunity, and advise your Lordships of there number and condition. Att present the French have noe men of warr thatt I can hear of in thesse partes, but dayly anoy our trade with there sloops from Martineco, wch. are two nimble for our men of warr. The *Deale Castle* is not yeet returned. There is a Committe of ye Counsell and Assembly apoynted to examine into ye publicke debts, and how ye money rayسد thesse last three years has been expended, as soun as finished shall be sent your Lordships. Findeing by the Assembly's inclosed resolves and the Counselors' owne confession, their gilt in voateing for the paper Act, I shall obey H.M. Instructions in turneing out Messrs. Sharpe, Cox, Mills, and Walker, and place Coll. Wm. Wheeler, Coll. John Hallett, John Colleton and Timothee Salter in there roomes, who are all Gentlemen of the best estates fittly quilified, and weare noeways conserved in ye latte unhappy devitions. *Signed*, M. Crowe. *Endorsed*, Recd. 8th, Read Oct. 24, 1707. 5 pp. *Enclosed*,

1090. i. Address of Assembly of Barbados to Governor Crowe. *Duplicate* of No. 961.i.

1090. ii. Governor Crowe's Reply. *Duplicate* of No. 961.ii.

1090. iii. Governor Crowe's Speech to the Grand Jury of Barbados. *Concludes* :—I am much concerned to find not onely ye first petition layd before me in Councill to be for a very scandalous contempt of H.M. authority placed in the hands of her Ministers of Justice, but that allso ye first cause of this Sessions should be of ye like nature *etc.* *Endorsed*, Recd. Oct. 8, 1707. 1½ pp.

1090. iv. Address of the Grand Jury of Barbados to Governor Crowe. Express their satisfaction at his appointment. Before your Excellency's arrivall we grounded our great expectations of blessings in your Government on the relations which the world has heard loudly proclaimed of your eminent services to the Crowne, and the remarkable successes the Allies have attributed to your negotiations; and yet since your desired arrival your Excellency has showne us that we expected but part of the felicitys we are to enjoy. Your unwearied diligence in the service of the publick, your impartiall determinations, and just proceedings, your wise enquiry into the causes of the condition you found us in (which we tremble to thinke of) and your vigorous application of proper remedies, raise our hopes above all that has been in our view. We make no doubt soon to see divisions heal'd, all the inhabitants led to a due obedience, your Excellency's endeavours of restoreing credit and advancing trade prove(s) successfull, and (in imitation of your great actions in Catalonia) we shall be inspired with courage still to defend our Island. Especially seeing your Excellency is graciously pleased in your charge to us to assure us that you will promote Religion by requiring

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those in authority to be exemplarily pious, which will certainly encourage inferiours to imitate them and make us all happy. *Signed*. Rd. Walcott, Ralph Sadlier, Richd. Farre, Jas. Browne, Jno. Hooper, Wm. Rayner, Sam. Mapp, Wm. Rollock, Jno. Eastmond, Joseph Hannis (=Hannie or Hannay), Timothy Salter, Hen. Lintott, Wm. Dottin, Wm. Allamby, Jno. Frere, Richd. Parsons, Tho. Affleck. *Endorsed as preceding. Copy. 1 large p.*

1090. v. Presentments of the Grand Jury of Barbados. (1) That the laws discountenancing swearing and profanation of the Sabbath be duly put in execution, and that for an example, the clergy and magistracy be particularly circumspect in their lives etc. (2) That all due encouragement for the advancemt. of good literature, so much mentioned in former presentments, be no longer delayed. (3) That the highways be mended, and surveyors severely punished for failures in their duties. (4) The neglect of the inhabitants of St. Michael in not keeping clean the streets and common shores of the same is a great cause of the frequent sicknesses, which disheartens strangers to resort amongst them, and consequently is no small discouragement to trade. (5) That persons who are owners of tottering and decay'd buildings in and about the towns be obliged either to rebuild or pull them downe. (6) That for the commodious lading and unlading of vessels a strict enquiry be made into the condition of the wharfs. (7) That of late years the lawyers, and other persons concerned in most publick offices, have augmented their fees to such an exorbitant degree that the inhabitants are soe far discouraged from prosecuting their debtors as to loose their debts rather than goe to law for their just demands, and that a regulation of their fees be speedily taken into consideration. (8) That vestrymen and parish officers be discouraged from expending moneys levied for the necessary and emergent occasions of their parishes and for the support of their poor, in feastings. (9) That Forstallars, Regrators and Ingrossers be punished according to Law, and that all due encouragements be given to those that shall detect such persons who shall be found guilty of such pernicious practices. (10) That the great bridge leading from the towne to Carlisle Bay be speedily built at the publick charge. *Signed and endorsed as preceding. Copy. 1 large p.*

1090. vi. Address of the Grand Jury of Barbados to the Queen. Congratulate H.M. on defeating her enemies and the yet greater glory of uniting her subjects. Return thanks for sending so great a Minister as H.E. Mitford Crowe to command us etc. *Signed and endorsed as preceding. Copy. 1 p.*

1090. vii. Capt. Clarke to Governor Crowe. H.M.S. *Crown*. Carlisle Bay, July 20, 1707. Describes a cruize with

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the *Crown and Maidstone*, June 18 ff. After detaining for examination a flag of truce for Antigua from Martinique, and an abortive attempt to cut out some ships riding in Backsterr (Basse Terre) Road, Guadeloupe, we made our way to St. Vincents. We stayed there July 6-10, then made for Barbados. In our passage we lookt into Port Royal Harbour, Martinique, where we saw 3 sail, one of them a ship of force. I have some Indians on board of Dominico and St. Vincents, but it appears plainly they are very hearty to ye French interests. Wee could not get none from Sta. Lucia for fear of not returning within the time I am ordered to saile with ye Barbados Trade for England *etc.* Signed, Robert Clarke. *Endorsed as preceding. Copy. 2 pp.*

1090. viii. Captain Fane to Governor Crowe. H.M.S. *Lowestoffe*, Barbados, May 10, 1707. Being bound for New York, the station appointed by H.R.H., and having found the inconveniency of stayeing there the winter season, by the desertion of the greatest part of my men, wch. render'd the ship of no use part of the next summer, I desire your Excellency to recommend it to my Lord High Admiral that we may have leave to come to Barbados the winter season, returning in the spring with such traders that are bound to the northward, wch. in my opinion will be of great use to this Island, as well as a security to the Northern traders. Signed, G. Fane. *Endorsed as preceding. Copy. ½ p.*

1090. ix. Memorandum of points offered by Governor Crowe to the Merchants of Barbados for their advice thereon. *Same endorsement. 1½ pp.*

1090. x. Governor Crowe's second Speech to the Assembly. I little expected after yr. first Adress such a coldness in dispatching the publick affaires, ye delays whereof you then soe much complained of, and more particularly the unhappy divisions, which I fear are rather augmented then heal'd, much contrary to my hopes of your wholly applying yrselves for ye remedying both. After soe many delays and breach of trust reposed in you by ye people and neglect of duty to H.M. in my express orders transmitted to you by your most worthy Speaker for ye summoning of a house, wch. proved unefectuall, I must plainly tell you, Gentlemen, that ye Queen sent me here to heal and not permitt her Royall authority and good subjects to suffer by yr. private and unhappy divisions. Therefore I expect you will lay aside everything that may encline that way, and let me experiance (what I only aime at and wish for) your speedy assistance in redressing of all grivances, and ye promoting such wholesome Laws as may for ye future secure you from ye ill designs of those who have heretofore made a prey

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- of ye country. Mr. Speaker, there is one thing more that I must particularly recommend to you, that is, ye exact observance of ye rules of yr. house, as the only thing yt. can suport yt. part of ye authority granted by H.M. etc. *Same endorsement. Copy. 1 p.*
1090. xi. Abstract of proceedings of the Grand Jury of Barbados, June 10-13, 1707. 20 cases. *Signed, Norman Mackaskell, Dy. Clerk. Same endorsement. 1 p.*
1090. xii. Opinion of the Attorney General of Barbados upon an Act for *ascertaining the payment of the Bank Bills*. It is contrary to H.M. Instructions and contains many provisions which are legally impossible. It is of so extraordinary a nature and so repugnant to the Laws of the Land, the rights of the Kingdom, the liberty of the subject, your Excellency's authority and H.M. prerogative that it ought not to be put into force till H.M. pleasure be known, etc. *Signed, Wm. Rawlin. Same endorsement. Copy. 4 large pp.*
1090. xiii, xiv. Accounts of Stores received and delivered out of the Magazines in Barbados, 1695-1706. *Same endorsement. 18 double pp.*
1090. xv. Copy of an Act of Barbados *for the encouragement of the importation of money*. *Endorsed, Recd. 8th, Read Oct. 24, 1707. 1½ pp.*
1090. xvi. List of Gentlemen of good estates proposed by Governor Crowe for vacancies in the Council:—Col. Allembry, Thomas Maxwell, Coll. Lilley (the Ingineer), Christopher Warren, Simon Lambert, John Freer, jr., Saml. Maynard, Wm. Roberts, Wm. Moore, Daniel Leight, Wm. Cole, Reynard Allen. *Endorsed, Recd. Oct. 8, 1707. ½ p.*
1090. xvii. List of Causes depending in the Court of Chancery of Barbados. 8 cases, July 1, 1707. *Signed, Will. Davies, Dep. Reg. Same endorsement. 1 p.*
1090. xviii. Resolves of the Assembly of Barbados against the promoters of the Act for a Paper Credit. (*Journal of Assembly* June 5, 1707.) William Sharpe, with his brother-in-law, James Cowse, contrived this pernicious law, and with Alexander Walker, in Council, and John Holder, in Assembly, were the principle promoters thereof. Sharpe received 500*l.* from the office erected by virtue of the Act of Credit, and gave the bond in the usual form, but whether this was merely a cloak for receiving that sum from Holder for his assistance in passing the law, does not appear. By amendments in Council they altered the trust of management from the Treasurer for the time being, and vested that power solely in Holder's hands, Walker was to receive from Holder a great proportion of the profits, and did actually receive 527*l.* Samuel Cox, Councillor, warmly supported the Act, and since its repeal has endeavoured to excuse

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his error by saying that, if he had not consented to passing this Act and the Triennial Act, he would have been suspended from the Council. He has thereby demonstrated his own unworthiness. He did propose to be one of the three Managers intended in the first project of a Paper Credit by Major Dudley Woodbridge. John Milles and Middleton Chamberlain, Councillors, supported the Act, before and since its passing, with intent to obtain advantageous credit to themselves, and they received from the office erected thereby 2,877*l.* 1*l.* 3*d.* and 1,854*l.* respectively. John Holder endeavoured to bribe Major Woodbridge with 1,000*l.* out of the public money. It does not appear what James Cowse was paid for framing the Bill; but it is apparent that William Walker did receive 200*l.* from his brother, Alexander, by consent of Holder, for soliciting support for the Bill in the House. The promoters of the Triennial Act designed thereby to continue the Paper Act. *Endorsed*, Recd. 8th, Read 24th Oct., 1707. *Copy.* 4½ *pp.*

1090. xix. Address of the Council and Assembly of Barbados to the Queen. Congratulations on the Union of the two Kingdoms, *etc.* *Endorsed*, Recd. Oct. 8, 1707. ¾ *p.*

1090. xx. Address of the Council and Assembly of Barbados to the Queen. Returns thanks for "the great and happy alteration your Majesty's subjects in this Island have received by the prudent and wise management of affairs under Mr. Crowe," *etc.* *Same endorsement.* ¾ *p.*

1090. xxi. Naval Officers' List of Ships entered and cleared at Barbados, March 25–June 24, 1707. 14 bound to England, 60 to the Plantations and one to Guinea, with sugar, molasses, rum, cotton, ginger, lime-juice, salt, aloes and cocoa-nuts; 53 remaining unladen. *Same endorsement.* 1 *p.* [*C.O.* 28, 10. *Nos.* 39, 39.i.-xxi.; and (*without enclosures*) 29, 11. *pp.* 119–134; and (*Nos.* iii.-x., xix., xx.) 28, 43. *Nos.* 23–27, 31–35.]

Aug. 8.
Barbados.

1091. Governor Crowe to the Council of Trade and Plantations. Since ye closeing of my packett Mr. Sharpe has brought me his adjoynd answer, wch. he begs your Lordships would be pleased to peruse. *Signed*, M. Crowe. *Endorsed*, Recd. 8th, Read 24th Oct., 1707. 1 *p.* *Enclosed*,

1091. i. Wm. Sharpe to Governor Crowe. Reply to above resolves of the Assembly (*No.* 1090.xviii.). The charges against me are contrary to their own vote of confidence in me Jan. 29, and the Minutes of their own House, whereby it appears that the first project of paper money was introduced into this Assembly by Major Woodbridge. (1) A bill passed two readings in that house before I ever saw it. When that Bill was rejected on the third

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reading, and I understood that there were some other projections for establishing a Paper Credit, which upon examination I did not approve, and perceiving that the Assembly were fully bent upon some project of that kind, I did several times discourse Mr. Cowse whether it might not be possible to continue a scheme more beneficial to the public than any we had at that time been acquainted with. He then drew up a bill which was approved by Sir B. Granville as the best he had seen, but there were many essential differences between his draught and the Bill as it passed. The paper bills, for instance, were to carry interest at 5 *p.c.* per annum. (2) These charges are groundless aspersions. I never met those Gentlemen on the occasion of the Bill but once, and that publicly, *etc.* (4) A disingenuous insinuation. It was to serve my necessary occasions I borrowed the money, and entered into bond, as they admit, in the same form as all others, and repaid it within a few weeks with interest for a whole year, as the Bank book shows. (5) I am proud to own it. It is notorious to all who are acquainted with Barbados that the Treasury has been the bone of contention wch. has given birth to all our factions and divisions, and if there had been such struglings to obtaine it for the advantages that Office had been usually attended with, I had reason to believe it would occasion far greater divisions when such a profitable post as the managemt. of the Bank should be suspended to it. I was well perswaded of the integrity of Col. Holder, and the indubitable security he was able to give. The consequence has shewn that I was not much mistaken. That this and the other amendments made by the Councill were improvements of the Bill will appear from the different reception it met with when sent down to the Assembly from what it had at its first passing that House.

When I perceived the inconveniencies of that Law, as soon as I had the honour to preside in H.M. Councill here (which was long before H.M. pleasure was known therein) I did not only publicly declare my opinion agt. to the Councill and Assembly, but also did what I could to have it remedy'd, and when the Assembly refused to consider a bill to that effect, upon the repeated importunities of the majority of the Island, I at last dissolved them. Upon the arrival of H.M. Order for the repeal of that Act, I found the present Assembly, so far from redressing the grievances of it, that they were for reenacting and continuing the Bills for 12 months, altho' they now pretend soe much to dislike it. This was lookt upon by myselfe and the Councill as an act of disobedience, whereas the passing the Law at first was but an error in judgment, and therefore

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we rejected there Bill, which was the first occasion of offence I perceived they took against me. That I voted for the Triennial Bill with intent to support the Paper Act is false in fact, and impossible for them to know without the aid of divination *etc.* *Signed*, Wm. Sharpe. *Quotes* Addresses of the Grand Juries, Dec., 1704, June, 1705, Dec., 1705, June, 1706, June, 1707, expressing confidence in him, and Addresses from the inhabitants of St. Michael's *etc.* demanding a General Election, *etc.* *Signatures.* *Endorsed*, Recd. 8th, Read 24th Oct., 1707. 18 large pp.

1091. ii. S. Cox to Governor Crowe. Reply to the Assembly's charges (*No.* 1090.xviii.). I did consent in Council to the passing the Paper Act, being fully persuaded that by reason of the scarcity of money, it was absolutely necessary. As the Bill passed the Assembly it was in need of many amendments, and I was the first person at the Council to move such. *Details.* The Act has been very prejudicial to the Trade of this Island, yet as that consequence could not be foreseen, I hope I shall not be condemned for what has since happened, especially seeing I neither proposed any private advantage to myself by it, nor ever received any. When I observed its fatal influence, I warmly and publicly declared that it ought to be repealed. I consented to the Triennial Bill because I really believed it would conduce to the peace and welfare of the Island. It has no more answered my expectation than the former, and I have long since expressed my dislike of it by concurring with the late President in dissolution of the last Assembly, *etc.* *Signed*, Saml. Cox. *Endorsed*, Recd. Oct. 8, 1707. 3 pp.

1091. iii. John Milles to Governor Crowe. *Reply to same.* He voted for the Paper Act because he was firmly persuaded that nothing could prevent the ruine of this Island but the establishing another measure of commerce in the room of the cash which had drained from us, *etc.* *Signed*, John Milles. *Same endorsement.* 1½ pp.

1091. iv. Col. Walker to Governor Crowe. *Reply to same.* *Criticises* action of Assembly in bringing such accusations without hearing the parties. My support of the Bill was dictated not by private expectation but by the conviction that it was necessary. *Describes* his part in preparing and promoting it. *Signed*, Alexander Walker. *Same endorsement.* 8 pp. [*C.O.* 28, 10. *Nos.* 40, 40.i.-iv.]

Aug. 8. Barbados. **1092.** Governor Crowe to the Council of Trade and Plantations. Encloses following:—

1092. i. Col. Holder to Governor Crowe. Reply to the resolves of the Assembly, June 5 (*No.* 1090.xviii.). *Demands evidence*

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at great length. I was chosen for the post of Manager of the Bank without my seeking it,—a compliment to my integrity—and they have not been able to detect the least unfair practice in my management of it. I was ravished to think I had it in my power to exceed Alexander Walker in generosity by making an equal distribution of the profits of his office with him, seeing that he shared my drudgery. I'm greived to my heart that his after conduct was not of a peice with his action in approving my appointment. after having been originally suggested as one of three intended managers himself. There was no corruption in the matter. If Alexander Walker gave his brother 200*L.*, how should that affect me? I did retain the latter as Counsel in cases affecting the Bank. Neither Cowse nor Sharpe directly or indirectly ever received one farthing from me, *etc. etc.* *Signed, John Holder. 30 large pp. Annexed,*

1092. ii. Copy of the Rise, Progress and Determination of the Bank of Barbados. By John Holder. 10½ *pp.*

1092. iii. Copy of the Council's Amendments to the Paper Act, and of the Minutes of Assembly upon them. 8 *pp.*

1092. iv. Copies of depositions of Wm. Walker and Wm. Sharpe in support of Col. Holder's defence. July 24, 1707. *The whole endorsed, Recd. Oct. 8, 1707. 3 pp. [C.O. 28, 10. Nos. 41, 41.i-iv.]*

Aug. 9.
Windsor
Castle.

1093. The Queen to Governor Crowe. Warrant for dismissing Col. Cleland from the Council of Barbados and all other employments. *Countersigned, Ro. Harley. ½ p. [C.O. 5, 210. p. 60; and 28, 38. No. 64.]*

Aug. 9.
Windsor
Castle.

1094. The Queen to Governor Handasyd. Warrant for restoring Tho. Barrow to his practice as an Attorney at Law in Jamaica. *Countersigned, Ro. Harley. 1 p. [C.O. 137, 45. No. 88; and 5, 210. p. 61.]*

[Aug. 12.]

1095. Some Merchants of Barbados to the Council of Trade and Plantations. Recommend John Pilgrim for the Council of Barbados in the room of Col. Cleland. *Signed, Rob. Heysham, Geo. Lillington and 12 others. Endorsed, Recd. Aug. 12, Read Oct. 20, 1707. 2 pp. [C.O. 28, 10. No. 35.]*

Aug. 12.
Torbay.

1096. Governor Hunter to [? Mr. Popple]. Acknowledges letter of July 1st *etc.* We are this minute return'd to Torbay, wth. ye whole Fleet, haveing been as far as the Eddystone, and in all appearance shall sail again to-night in order to return again next day. *Signed, Ro. Hunter. Endorsed, Recd. Read Aug. 27, 1707. Holograph. 1 p. [C.O. 5, 1315. No. 70; and 5, 1362. p. 259.]*

Aug. 14.
Whitehall.

1097. Council of Trade and Plantations to Governor Parke. Since ours of June 26 we have received yours of June 10, and

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are glad to find so good an account of the Islands. As to the supply of great gunns you desire, we must on this occasion remind you of orders formerly sent you, to let us have a state of the Ordnance Stores in those Islands, particularizing what are at each fort or platform, and what are wanting, in order to our laying the same before H.M. *Recommend* Messrs. Rhodes and Estwick, Secretaries of the Commission of enquiry, to his favour and countenance. [C.O. 153, 10. pp. 64, 65.]

Aug. 14. **1098.** Wm. Penn to Wm. Popple. Esteemed Friend, The inclosed answers to G. Willcox's Reasons has been ready above a weeke since, but my wife's great illness in ye country disabled me from waiting upon ye Lords Commrs. with it. I hope ye Lords will upon perusal of it be of an opinion they are frivolous, not to say malicious to our perswasion, since ye drift of yt. Memoriall is to unquallify us for shares in our own Govermt., a most improper as well as an unreasonable thing; and yt. since they came Dwarfs into ye Province, whatever they are now, is it not very hard that these Gentlemen should make us Dissenters in our own Country? and in effect themselves our Lords and masters, for life, Liberty and Property. I will in a few days (God willing) wait upon ye Lords both upon this and ye other subject before them. I am, Thy assured and affect. friend, Wm. Penn. *Endorsed*, Recd. Aug. 16, Read Oct. 20, 1707. *Addressed. Sealed. ¾ p. Enclosed,*

1098. i. Mr. Penn's Answers to ye Reasons offered by Geo. Willcox agst. confirming an Act past at Philadelphia, *directing ye qualifications of magistrates, etc.* (1) 'Tis evident yt. ye preamble of ye Act is grounded on a reality, for in ye Countys of Chester and Bucks 2 of ye 3 yt. compose the Province, there are at least 4 of ye people called Quakers to one yt. can swear, and in ye later they are not only 5 to one, but there are not able and sufficient men enough other than those called Quakers to execute justice among them, therefore there would be a failure of it if those people were excluded. Besides, this very Law was fully debated in a free conference between ye Councill and Assembly, before ye Governor, a Churchman, at wch. Councill there were 5 or 6 Churchmen and but 3 Quakers, and not one of those Gentlemen soe much as offerd to deny ye superiority of number when urged by ye Quakers, insomuch yt. ye Governor declared himself and ye rest too, satisfied of ye plurality and necessity of their being concerned in ye Administration of ye Govermt.; ye denying therefore yt. ye majority of ye freeholders of ye Province of Pensylvania are such who are sc[r]upulous of taking oaths is at least a mistake, but certainly this Article carrys apparent exclusion in ye very face of it, in alleadging yt. there are a sufficient number of such who are well quallified to exec[ute] all trusts and offices in ye Govermt., who doe

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not scruple to take and administer oaths: thereby doubtless intending totally to divest and discharge our frds. from having any share in ye administration thereof, tho of a Province or Colony of their own making, at ye known hazard of their lives and fortunes and a vast expence and labour for 26 years past, by wch. means a meer wilderness is converted into a usefull and benefitall Colony to ye Crowne, a poor returne for ye favours shown them by ye people called Quakers. (2) As before, soe I must say it's highly reasonable and according to naturall right, yt. a people which made a country should be estab^{lished} therein, neither will their establishmt. therein destroy ye pres^{ent} settlemt. as is suggested in this Article, when ye greater part [of] ye ministers are Quakers and ye Legislators almost all, and ye sec^{uri}ty of an affirmation wth. them is certainly as valid as yt. of an [oath] with those yt. are free to take it, their incomparable and constant sufferings for not swearing considerd, ye expression of letting in Quakers into ye Govermt. of yt. Province is ridiculous, they haveing had ye whole Govermt. there, and by their humanity and free principles admitted others to a participation wth. them yt. show now they doe not deserve it from them. (3) What is said agst. ye forme of affirmation there 'tis presumed may be alleadged agst. ye affirmation here, wch. seemes a reflection on the wisdom of Parliamt. ye affirmations being worded alike. (4) This clause is only where there is no proper officer on ye Bench yt. can administer an oath, and where almost ye whole are ye people called Quakers. Besides, ye greatest part of ye people of ye Province are as well satisfied wth. ye affirmation as wth. an oath, and hold themselves as much obliged thereby, and therefore there is no shew of any ill consequence from this clause, and further I must say ye whole Province and Territorys had an agreeable distribution of Justice free of oaths for many years without any complaint or address to ye Crown in respect of ye mode or manner of ye administration thereof, untill these complainants and their few adherents began to make those people uneasy who made ye Province, wch. has in a great measure made them wt. they are. (5) The clause enacting yt. ye tender of an oath by one Magistrate in ye presence of a Bench of Magistrates shall be esteemed his act only, yet as valid as if done by ye whole, cannot too much extend ye pow'r in any wise of any one Magistrate, as is here suggested, because ye same is limited to ye administration of an oath only. (6) 'Tis presumed ye Quakers hold themselves as firmly bound by an affirmation as others in generall by an oath as before at large, and therefore this reason seemes to carry no weight in it. (7) There is a great deale of

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reason for yt. clause relating to ye deposition or affirmation of a wittness, being sick or necessitated to goe out of ye Province, for ye people having often occasion, there being many of them traders, to goe to New York, New England, Maryland, Virginia, Jamaica, Rhoad Island, Barbadoes etc., as well as to come to England, and ye Judge before whom such deposition is to be made is certainly thought to be capable of knowing whether there is a necessity of such deposition or not, and if he finds none, then 'tis conceived he will not admitt of it; who is also to summon ye adverse party to appear before him, and will undoubtedly give them sufficient time to appear, else such deposition 'tis presumed would be laid aside by ye Court: Besides this appears only to have a relation to property and to ye life of ye subject; however it seemes to have been copyed after a Barbados Law yt. has long since had ye Royall sanction, for so I have been informed. All wch. is humbly submitted to ye consideration of this Honble. Board in behalf of ye people called Quakers of ye Province of Pensylvania. $2\frac{1}{2}$ pp. [C.O. 5, 1264. Nos. 13, 13.i.; and (without enclosure) 5, 1292. pp. 13, 14.]

Aug. 14.
Whitehall.

1099. Council of Trade and Plantations to Governor Crowe. Since our letter of June 26, wee have received yours of May 15 and June 5 last, as also the duplicate of the first of the said letters which was not signed. We think fit to take notice thereof to you, that you may sign all duplicates for the future, least the original shou'd at any time miscarry. We are sorry to perceive the fortifications are in so ill a state, but as the $4\frac{1}{2}$ per cent. is appropriated by Act of Parliament here, it will be difficult to obtain any of it, as you desire, but we think you ought to move the Assembly in the most effectual manner, that they give the necessary supply for putting the said fortifications in the best posture they can, and that you send us over a perfect state of the said fortifications drawn by Col. Lilly, with a computation of what the charge of repairing them will amount to. Wee have perused the copy of the Address of the Assembly to yourself. Wee think it very proper that a full and strict enquiry should be made into the misfeasances and disorders which have disturbed the quiet of the Island, and that all fitting methods should be taken for remedying what is amiss, and prevent the like for the future. But before any such Act passes as is proposed in their Address, we think it convenient that the draught of such a Bill as they desire should be sent over to be considered here, in order to your receiving further directions therein. As to the Cartel with the French, we see as yet no objections to it. We have communicated it to the merchants and others concerned in Barbadoes, who all approve of it, but seeing you did not think fit to ratify it, we expect that you send us by the first opportunity the objections you have to it, that we

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may thereupon judge what shall be fitting to be done. As to your sitting as Judge at the Grand Sessions, though it may be alledged that the other Governors have done it, we cannot but declare to you that the practice appears to us very irregular, and that it is altogether unfit that the same person should either sit as Judge or otherwise appear on the Bench, or to speak and interpose in the hearing of any cause in the first instance, which may afterwards come before him by way of appeal. This, therefore, we thought fit to take notice of, as a thing that may be lyable to ill constructions, and as what was complain'd of in the case of Col. Codrington then Governor of the Leeward Islands. As to the Act to ascertain the payment of Bills, etc., H.M. hath been pleased to confirm the same, as you will see by H.M. inclosed Order, which you are to cause to be published in the usual manner. As to what you write in relation to coin, we had before the receipt of your letter represented our oppinion to H.M. (*copy enclosed*). We inclose H.M. Order Aug. 4, discharging Col. Sharp from the complaints made against him by Cols. Cleland, Colleton and Holder; as also another order of the same date, discharging Mr. Cox from the complaints made against him by Mr. Sandford and Mr. Dorn, both which orders you are to communicate to the Councill, and see that they be observ'd according to H.M. directions. H.M. having been pleased to dismiss Col. Cleland from the Councill and all other employments in Barbadoes, a warrant is accordingly preparing for H.M. royal signature which will be sent you by the next pacquet, in the meantime we send you a copy of H.M. Order thereupon for your information. As to what you mention in relation to Mr. Holder's being a Member of the Councill, we must acquaint you that it was as great a surprize to us when first we heard of it, as it seems to have been to you; and we are making an inquiry into that matter, of which we hope soon to give you a further account. [C.O. 29, 11. pp. 99-103.]

[Aug. 15.] **1100.** A Memorial of the Present Deplorable State of New England, with the many Disadvantages it lyes under, by the *Male-Administration* of their Present Governour, Joseph Dudley, Esq., and his son Paul, etc. By Philopolites. Printed in the year MDCCVII, and sold by *S. Phillips, N. Buttolph, and B. Elliot.* Booksellers in *Boston.* The Governor is accused of countenancing trade with the French and Indians, through his son, William Dudley, and Capt. Vetch, and thereby enabling the latter to continue their depredations etc. Everything is bought and sold betwixt the Governour and his son Paul, and no Justice is to be had without money. There is a general opposition to the Governour thro' the whole country. Affidavits of John Calley, Mariner, Wm. Partridge and Thomas Newton, quoted, "as they were laid before the Queen and Council, relating to the Governour of New England's Mercenary and Illegal proceedings," etc. Concludes with some accounts of outrages by Indians in the E. and W. of New England. *Endorsed, Recd. Aug. 15, 1707.* A pamphlet of 41 pp. [C.O. 5, 864. Nos. 191, 192.]

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Aug. 16.

1101. Governor Seymour to the Council of Trade and Plantations. *Refers* to letter of June 10, which I hope ere this has had the good fortune to kiss your hands ; and having therein acquainted your Lordships that ye Proprietary Government of North Carolina had made an Act of Assembly which seem'd to be of pernicious consequence to this H.M. more usefull Plantation of Maryland, I have since taken care to procure a copy of it, which I enclose, and cannot doubt but you will be of opinion the encouragement and protection therein given to the people of this Province (the generality whereof are much indebted to ye merchts. in England and others, and can have no such expectation of protection here) is an extraordinary inducement to them to desert their Plantations and cropps here, and withdraw themselves where they may live so many years undisturb'd, which will not a little conduce to the lessening H.M. Revenue of tobacco's, if not tymely prevented by your Lordships' wisdom, for I assure your Lordps., many persons from this Province with their whole familys are of late years removed thither, and purely on that score. My Lords, at the same tyme when I lay this, I can but thinke, necessary as well as true Representation before your honble. Board, I must not omitt doing the Government of Carolina the justice to informe your Lordps. that upon my application and sending a sloop in quest of Richard Clarke and his accomplices, those notorious disturbers of this H.M. Government here, the Deputy Governor and the whole Country exprest their utmost resentment against those villains, as well in words as actions, by endeavouring to take Clarke, and actually surrendring to the person I sent on this occasion, two of his associates, Daniel Wells and Charles Harrison, who accompanied him thither, and are now both is [*in*] safe custody in this Province. Upon Clark's first going to Carolina, he call'd himself by the name of Robert Garrett, saying he was Sir N. Johnson's nephew, and pretended to be a Quaker ; since which, upon his returne to this Province, where he now is concealed and harboured by many of his friends, he has wrote severall letters to me under a Quaker's stile, sticking them up in the night at Out-houses, and dropping them in the roads. In some he sues for pardon, offering to discover the ill practices of many of his confederates, and in others he threatens to bring 30,000 of the French Indians upon the Country by land, and to direct the French to bring a Navall force by water to invade the Province, if he is not pardoned within some small tyme, which he is pleas'd to affix ; yet notwithstanding his most exquisite villany, and the ill principles of many loose, idle persons among us, besides the generall calamity of debts and mortgaged estates for much more than their worth, I doubt not but to preserve what H.M. has been graciously pleased to comitt to my care and conduct (the peace and tranquility of this her Province), from any home bred villany or other forraign attempts, and have put the Country in the best posture of defence it is at present capable of, having appointed the Officers of the Militia of the most loyall and ablest of the inhabitants, and the publike stores of arms and ammunition

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being now (God be thanked) pritty well supply'd and fix'd; but I have some satisfaction to heare H.M. has thought fitt to send so good an Officer to be my neighbour in Virginia. The Chiefe of the Quakers here, understanding Clark's practices, and that he wrote his letters in their stile, presented me the inclosed Address, to which I could not in justice do less than make the returne endorsed on the back thereof. I dare not presume by this uncertaine conveyance to send your Lordships the Laws and Journalls of Assembly; but will not omitt to transmitt them by the first man of warr, which this country has long uneasily expected, *etc.* Signed, Jo. Seymour. *Endorsed*, Recd. 8th, Read 10th Nov., 1707. 2½ pp. *Enclosed*,

1101. i. (a) Humble Address of the Peaceable People called Quakers given forth at their monthly meeting at West River ye 11th day of ye fifth month, 1707. Wee utterly disown the hidden author of the libel referred to in *preceding*, and the confederates of Clark *etc.* Signed, Richd. Johns, Richd. Harrison, Samuel Chew, Neh. Birkhead, Saml. Galloway, M. Moore. *On back*,

(b) Minute of Council of Maryland, July 16, 1707. H.E. received the above Address very kindly, and declared with the Board that they had observ'd the society of people called Quakers to be very peaceable and quiett and well affected to H.M. Government, especially since H.M. accession to the throne, *etc.* *Endorsed as preceding.* Copy. 1½ pp.

1101. ii. Copy of an Act of Carolina, to encourage the settlement of the country. Same endorsement. 1½ pp. [C.O. 5, 716. Nos. 32, 32.i., ii.; and (without enclosures) 5, 726. pp. 489-492.]

[Aug. 27.] **1102.** West India Merchants to H.R.H. the Lord High Admiral. Support Mr. Crabb's Memorial (of Aug. 4). and testify to the unspeakable damages H.M. Islands and trade have suffered by the Martineco privateers. The provisions they intercept enable the French to recruit their men of war in their passage to New Spayne. The trade in negros from Africa also suffers. Next to reducing Martinique the most effectual means to restore trade will be to suppress their privateers and that the men of war proposed in Mr. Crabb's Memorial be constant cruisers *etc.* 27 signatures, including those of the Directors of the Royal African Company. *Endorsed*, Recd. Read Aug. 27, 1707. 1 p. [152, 7. No. 26.]

Aug. 27. **1103.** Mr. Attorney General to the Council of Trade and Plantations. *Reply to June 13.* I am of opinion that the recognizances do fully answer the intent of H.M. Order. H.M. approbation of either of the Acts [of New York referred to, concerning Bayard and Hutchins] would be sufficient for the purposes therein contained; But in regard the last was not pursuant to H.M. Order in Council, no clause of indemnification being contain'd in that Act, as was directed, I conceive the first of the Acts most proper to be recommended by your Lopps. for H.M. gracious

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approbation. *Signed*, Sim. Harcourt. *Endorsed*, Reed. Sept. 12, Read Oct. 31, 1707. 1 p. *Enclosed*,

1103. i.-x. Duplicates of Mr. Popple's letter of June 13, and papers relating to the annulling of the proceedings against Col. Bayard and Alderman Hutchins, 1704-1706. 17 pp. [*C.O.* 5, 1049. *Nos.* 41, 41.i.-x.; and (*without enclosures*) 5, 1121. pp. 104, 105.]

Aug. 29.
Whitehall.

1104. W. Popple, jr., to Mr. Hyde. I enclose extract of Governor Seymour's letter, June 10, 1707, relating to the great want of cloaths in Maryland, and desire you will communicate the same to the Gentlemen trading thither, and let me know what supply of cloaths has been lately sent thither, or is now about sending. [*C.O.* 5, 726. p. 467.]

Aug. 29.
Whitehall.

1105. Same to Mr. Perry, to same effect. [*C.O.* 5, 1362. pp. 259, 260.]

Aug. 29.
Whitehall.

1106. Same to Mr. Burchett. Encloses extracts of letters, from Governor Seymour, June 10, and Col. Jenings, June 26, relating to two French privateers off the Capes and the want of guardships *etc.*, to be laid before H.R.H. The Council of Trade and Plantations desire to be informed of the number and quality of the ships of war ordered to attend each Plantation in America, as was done by you Sept. 3, 1702. [*C.O.* 5, 726. p. 468.]

Aug. 29.
Whitehall.

1107. Same to Wm. Lowndes. Encloses extract of letter from Governor Seymour, June 10, relating to the salaries of Mr. Plater and Mr. Muschamp, to be laid before the Lord High Treasurer. [*C.O.* 5, 726. p. 469.]

Aug. 29.
Jamaica.

1108. Governor Handasyd to the Council of Trade and Plantations. Acknowledges letters of May 9 and March 11. As to the present state of the Government of Jamaica. The number of the Militia is decreased considerably since the last year with sickness and other accidents, to very near betwixt five and six hundred men. The number they then consisted of, I sent to your Board Aprill 1, 1706, to which I must now refer your Lops., lest, if I should send another, it should fall into the enemy's hands. H.M. Regiment under my command is better than 500 strong, but wants 330 odd recruits to compleat it according to the establishment. The number of the slaves is supposed to be 50,000. I enclose a list of the Councillors' names according to seniority, and must recommend to your Lops., in the room of Coll. Sadler deceased, Mr. William Brodrick, who has been formerly in the Council and was Attorney Genll. here, but going to England the vacancy was supply'd. I likewise prefer to your Lops. Capt. Francis Oldfield in the place of Coll. Henry Lowe, in case he has not the Queen's leave to be absent, he having been these three years from the Island. As to illegall trade, here has been a sloop seized on by Commadore

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Kerr, who sent his boat out to seize her, altho the Navall Officer and myselfe sent round by land to seize her. She has been condemned in the Admiralty Office according to Law, and the dividends are made as the Act directts ; the value of her and the small cargoe in her was betwixt 700*l.* and 800*l.* Jamaica mony ; this, I hope, will be a caution to others not to do the like, and all care has been and shall be taken by me to prevent any such practices. All sloops and other vessells that trade here are either English bottoms or built in some of H.M. Colonies. The Act for the Union shall be proclaimed in good fform according to your Lops.' command ; and H.M. additionall Instructions shall be minuted in the Councill Books, as soon as I can get the Councill together, which will be immediatly after the Fleet sails, and I am informed the Commadore intends to sail to Blewfields, the Leewardmost part of this Island, to wood and water in a day or two. I am now to acquaint your Lops. of the misfortunes that have lately befallen us, which are such as well to great Britain as this Island, occasioned by the unheard of methods and unwarrantable proceedings of Mr. William Kerr, Commadore of H.M. squadron here, both to the Captains and other Gentlemen under his command, and to the merchants and trading people of this Island, to whom he has refused granting convoys for their vessells, tho his ships, since his being in these parts. have done little else but lain in Harbour, both to the destruction of his men by sickness, and the ruine of the Spanish trade, which if he had taken my advice in, and sent two ships constantly out upon the coast, he would have ruined the trade of the French, and been a great protection and encouragement to ours ; but on the contrary, being a man that is above all advice, having an extraordinary opinion of his own merits and qualifications, he has been the means of our loosing, within this month, the value of 100,000*l.* sterling, 40,000 pds. of which was lost in one sloop in ready mony. Three other sloops of considerable value were taken by small privateers out of Martineco, and two more have narrowly escaped them. It never has been my inclination to make complaints where there has not been abundance of reason, but what methods have been taken by the merchants to oblige Mr. Kerr to grant them a convoy, they having offered him six and eight hundred pds. at a time as a gratuity, which has been refused because a summ not large enough, will be made plainly appear, and severall other of his transactions, by Mr. Thomas Wood, a merchant here, who has been a great sufferer by him, and is going home to represent matters in their true colours, on the behalfe of the merchants in generall, as well as himselfe. Mr. Wood is a gentleman whose behaviour has been so handsome, since his coming here, and has used all endeavours to promote the manufactory of great Britain, obliges me to recommend him to your Lops. as a person worthy your ffavour in this matter. Mr. Kerr's threatnings to oblige men to swear what he pleased, shewing them his main-yard arm, and telling them what power and authority he had : his turning out his Captain without triall : his keeping another Captain in confinement

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for these three months past on board the Fireship, altho application has been made to him both by Mr. Wager and myselfe to bring the gentleman to a triall, and the gentleman himselfe severall times requesting by letters that he would be pleased either to clear him or bring him to a triall: his treatment to his Officers, calling them rogue and villain at every word, being his constant language to them; all these proceedings are a mighty discouragement to H.M. subjects, as well as to her service. The remaining reasons I have to complain of him myselfe, I shall leave till another opportunity, it being my opinion he ought rather to be pittied than envied, since his behaviour has been so intollerable. I have advice that the galleons will sail from Carthagene in a month or six weeks, but whither I can't learn or under what convoy.

P.S.—As to the encloseing of letters in your Lops.' packett, I must confess I took the liberty to enclose those relating to my own private affairs, but for the future shall let them take the chance of the publick Bagg. *Signed*, Tho. Handasyd. *Endorsed*, Recd. 25th, Read 27th Oct., 1707. 5 pp. *Enclosed*,

1108. i. List of the present Council of Jamaica, Aug. 27, 1707. Peter Beckford, Peter Heywood, Henry Lowe (in England), Charles Chaplin, Thomas Clarke, Francys Rose, Richard Thompson, Charles Long (in England), Edmund Edlyne, John Ascough, John Stewart. *Same endorsement.* $\frac{3}{4}$ p. [*C.O.* 137, 7. Nos. 60, 60.i.; and 138, 12. pp. 147–154.]

Aug. 30.
Falkland,
St. Johns
Harbour.

1109. Capt. Underdown to the Council of Trade and Plantations. I take this opportunity to acquaint your Lordship that haveing recd. advise that the enemy had several ships fishing to the Northward in severall harbours there, and that they might be easily burnt or taken, upon which advice the commanders of ships, merchants and inhabitants of St. Johns petitioned that we would saile in order to attack them, and destroy their fishery, which they were of opinion would be of great encouragement to ours, on July 26 I sail'd from St. Johns, with H.M.S. *Nonsuch*, with Major Lloyd with 20 of his soldiers on board me, and 20 more on board the *Nonsuch*, it being his own desire and request, for the good of the service and agreed too by a generall opinion. On the 27th we came before Bonavist, where I gave Capt. Hughs orders to saile in company with me, there being no appearance of an enemy there. On Aug. 2 in the eavening we stood into the Bay of Blanch till came off Flowr de Leus [= *Fleur de Lys*] Harbour, I sent in my pinnace with Major Loyd and my Lieut. with the *Nonsuch* pinnace to look into the harbour, and see if there were any of the enemy fishing there, which they did, but found none, onely some old stages and other necessarys relateing to the fisherry, they having been us'd to ffish there. About 4 the next morning we stood away for Grand Cannerie, about 6 we came about the Cape, where saw a ship which after fireing some few shott at her, which were return'd, she struck, we sent our boats on board and found her to be of St. Mallo, about

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360 tuns, 30 guns and 110 men, cal'd the *Duke D'Orleans*, and in another arm of the Bay cal'd Eguliett was another ship, but the place being rocky and shoal water, myselfe nor *Nonsuch* could not come nere her, whereupon ordered the *Midway's* prize to goe as close in as she could with safety, which she did within halfe gun shott, and at the same time, Capt. Carlton, Major Loyd, with my Lieut. with our boats well man'd and arm'd, to land upon an Island which she lay under, which being done after haveing fired severall broad sides and not being able longer to keep the deck for our men from the shore, struck; she was a ship of about 20 guns and 80 men, belong'd to St. Mallo, but being inform'd by the enemy, that about 3 leagues to the Northward in Lacouch, there were two ships, one of 32 guns and the other of 26, both of St. Mallo, I gave Capt. Hughs directions to set her on fire, and afterwards to joyn me at Lacouch, myselfe and the *Nonsuch* makeing the best of our way their, the 5th in the afternoon we came into Lacouch where found the two ships in a readiness for sailing; they fired some broad sides at us, but as soon as we began to return it, they sett their ships on fire and left them, going over to the next Harbour cal'd Carrouse, which by land was not above halfe a mile, in which we recd. intelligence there was 4 ships. We immediatly weigh'd and stood for the Harbour, and about 8 o'clock at night was joyned by the *Midway's* prize, but proving very little wind at South by West, and difficult getting out, it was about 8 the next morning before we gott of the Harbour's mouth; I sent in my boat, but found they had all got out to sea, haveing by the advantage of little wind and the great number of men and boats, cutt and tow'd out. We stood to the Northward, saw severall ships, and gave chase to them, but proving light winds, could not come up with them; about 5 in the afternoone came off the Harbour of St. Julians, where saw a ship, and having lost sight of the other ships, stood in for that Harbour, and came to an anchor in 26 fathom water; the place where the ship was haul'd in, being very narrow and shoal, I ordered the *Midway's* prize to go as nere in as possible she could, she fired two guns, but it was our opinion not to attacque her till morning, being Aug. 6th, at 4 a clock Capt. Carlton, Major Loyd and Lieut. Eagle went in with all our boats well man'd and arm'd, and landed, and soon drove the enemy from their post, who were likewise landed. We took their boats and went on board the ship, where found they had laid severall trains of powder to burn or blow her up, which we timely discover'd, and by noon tow'd her out to sea, but finding our pilots not acquainted nor careing to go further to the Norward, it was our opinion to sail back to Carrouse, and there remain till the *Duke D'Orleans* prize at Grand Cannerie joyn'd us, who we left there with a Lieut. and 60 men to gett her ready for the sea; but in our way to Corrouse to look into Pette Matre, a harbour where the French generally make up their Fleet, which we did, destroying their boats, fish-stages etc., about 7 at night we came to an anchor in Carrouse Harbour and moor'd; the 12th and 13th it blew a hard gaile at South West, haveing destroy'd

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their fishery there, the *Duke D'Orleans* prize being come to Lacouch on the 14th, by 4 in the morning weigh'd and stood out to sea, take[ing] her with us, and arrived Aug. 17 at St. Johns, haveing before given the *Midway's* prize orders to make the best of her way to Trinity, etc. *Refers to enclosures. Signed, Jon. Underdown. Endorsed, Recd. 25th, Read 31st Oct., 1707. 2½ pp. Enclosed,*

1109. i. Account of the damage done to the French Fishery by the expedition *referred to in preceding.* 7 ships taken, 3 ships burnt, and 470 spare boats destroyed. *Details. Signed, Jon. Underdown, Tho. Lloyd, Jno. Carleton. Same endorsement. 1 p.*

1109. ii. Survey of provisions in the Fort at St. Johns, June 28, 1707. *Signed, James Grigg, Jno. White, Geo. Bishopp. Same endorsement. 1½ pp. [C.O. 194, 4. Nos. 29, 29.i., ii. ; and (without enclosures) 195, 4. pp. 384-388.]*

Sept. 1.
Faulkland,
St. Johns.

1110. Capt. Underdown to the Council of Trade and Plantations. *Refers to preceding.* I take leave to lay before your Lordships the services done by Major Loyd, etc. who thorough the whole action behaved himself with all diligence, courage and good conduct, etc. It is with great satisfaction I have likewise observed the friendship and decorum between him, his officers and the inhabitants, the most effectuall means in my judgment to secure this country in the winter from the enemy, etc. *Signed, Jon. Underdown. Endorsed as preceding. 1 p. [C.O. 194, 4. No. 30 ; and 195, 4. p. 389.]*

Sept. 2.
Whitehall.

1111. W. Popple, jr., to W. Sloper. Encloses Mr. Budge's petition. If you have anything to offer in behalf of the Lord Cornbury to his complaint, you are to do so in writing on Friday. *[C.O. 5, 1121. p. 98.]*

Sept. 2.
Whitehall.

1112. Council of Trade and Plantations to Governor Hunter. Since our letter to you of June 12, a duplicate whereof is here inclosed, we have received letters from Coll. Jennings of Feb. 20 and June 26. We have laid the congratulatory Address of the Council before H.M. We have discoursed the merchants upon the want of English manufactures for the Planters, and we hope that they will be well supplied by the Fleet now bound to your parts. However we think you ought as much as in you lies to discourage the inhabitants from going upon the manufactures of linnen and woollen. We have laid before H.R.H. what Col. Jenings writes in relation to the want of guardships, and we hope that care will be taken therein. *[C.O. 5, 1362. p. 260.]*

Sept. 2.
Whitehall.

1113. Council of Trade and Plantations to Governor Seymour. Acknowledge letters of March 6 and June 10. We observe the reasons you give for your consenting to the selling of two criminals, Benjamin Celie and Humphry Hernaman, yet we cannot but be of opinion that you ought not to have sold them, which is not warranted by your Instructions ; for they

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ought to have been punish'd for their crimes according to Law, and we know not of any Law that directs or authorizes the sale of any H.M. Christian subjects in the Plantations, tho' criminals. We are in expectation of the Journals of Assembly, Minutes of Council, and Laws you promise us by the fleet; but we can do nothing in relation to the Law for Towns, the Law for suspending the prosecution of Romish Priests, and the Law relating to the Lord Baltimore's Agents, till those Laws arrive. We shall consider the Act pass'd in 1694, *for the encouragement of learning*, now lying before the Attorney-General, and shall lay the same before H.M. for Her pleasure thereupon. You will do well to regulate the Courts of Justice according to the directions formerly sent you, and we shall expect an account of your proceedings therein, and of the effect such regulation will have. We cannot conceive what reasons the Assembly had for rejecting Mr. Dummer's proposals, and the proposal for punishing the dispersers of false news, but when the Minutes of Council and Assembly arrive, we hope that matter will be then explain'd to us, in order to our considering the same. We shall lay before H.M. the want of Counsellors, as also the Law about ordinary licences at the first opportunity. And in the meantime we cannot but take notice of the great hardship the Assembly have put upon H.M. Patent-Officer, the Secretary, and therein of their disrespect to H.M., in taking from him the ordinary licences, which have been for so long time annex'd to the Secretary's Office, and having consulted Mr. Attorney General, he has given us his opinion that Sir T. Laurence, as Secretary of Maryland, ought to have the benefit of the ordinary licences, the same having been usually enjoy'd as perquisites of that office. As to your desire of having a species of small copper money, we must refer you to the letter writ you March 26, by the late Commissioners of the Board, upon that subject, and shall expect your answer thereunto. We have laid before my Lord Treasurer what you write in relation to Mr. Plater and Mr. Muschamp, for his Lordship's directions thereupon. We hope to hear that the persons you have sent to demand at North-Carolina are deliver'd up to Justice; and if there is any such Law made there for the protection of debtors, as you mention, which will be of very pernicious consequence, and tend to dispeopling the more useful Colonies, we expect that you forthwith send us a full and exact account thereof, that we may lay the same before H.M. We have acquainted the merchants with your complaint about the want of English manufactures for the Planters, and we hope that they will be well supply'd by the fleet now bound to your parts; however, we think you ought, as much as in you lyes, to discourage the inhabitants from going upon the manufactures of linnen and woollen. We have laid before H.R.H. the Lord High Admiral, what you write in relation to the want of guard-ships, and we hope that care will be taken therein. *P.S.*—Since the writing of this we have discours'd with Mr. Dummer, and we find that there has not yet been any proposal in form from him for a correspondence by letters to and from the Continent, but he

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has some thoughts of making such a proposal, and will then lay it before us for our consideration. [C.O. 5, 726. pp. 469-473.]

Sept. 9. **1114.** Capt. Jennyns to Robt. Holden. I spoke with the
Portsmouth. captain of a vessel that came from Providence about 5 months ago. See Sept. 12. *Signed*, Richd. Jennyns. *Endorsed*, Recd. Sept. 23, Read Oct. 13, 1707. *Copy*. $\frac{1}{2}$ p. [C.O. 5, 1264. No. 12.]

Sept. 10. **1115.** Governor Seymour to the Council of Trade and
Maryland. Plantations. Having long impatiently expected the two men of warr our London Merchants advised were ready at Portsmouth in Aprill last to fetch home their ships here; and their being now noe certainty when they may arrive, am obliged, least your Lordships should impute it as a neglect of my duty, to transmitt the Laws and Journalls of the last Assembly to Coll. Blakiston by this uncertaine conveyance, in order to present them to your honble. Board, but my present indisposition utterly disables me from making remarks on each Law, and therefore hope your Lordships' goodness will put a favourable construction on that omission, and if any sort of party grumble at any particular law, your Lordships will graciously suspend your judgments till my reasons are heard and discussed, what occasions brought about such or such a Law, etc. *Signed*, Jo. Seymour. *Endorsed*, Recd. 20th, Read 29th Dec., 1707. $1\frac{3}{4}$ pp. *Enclosed*,

1115. i. Address of the Governor, Council and Assembly of Maryland to the Queen. The Lord Baltemore and Mr. William Penn obtained two large grants of Maryland and Pensylvania, the latter a younger grant by many years, and the bounds of the said Provinces are contiguous, and severall of your Majesty's subjects of Pennsylvaniam have obtained grants from Mr. Penn or his Ministers, and have made settlements thereby within the Northern and Eastern bounds of Maryland, and upon such lands as has been heretofore granted by his Lordship to several persons within this Province, but now claimed by and asserted to be within the bounds of Mr. Penn's grant by the Ministers of that Government, which has already caused great disputes, suits at law and uneasiness among your Majesty's subjects; to the great loss and impoverishment of your Majesty's people in each Province. *Pray* H.M. to direct Lord Baltimore and Mr. Penn to settle their respective bounds etc. *Signed*, Jo. Seymour, Tho. Smith, Speaker, on behalf of the Delegates; Tho. Tench, Jno. Hammond, Fra. Jenkins, Edwd. Lloyd, Wm. Holland, James Sanders, Th. Manly, Will. Coursey. *Endorsed as preceding*. $2\frac{3}{4}$ pp.
1115. ii. Copy of Journal of Committee of Accounts of Maryland, March, April, 1707. *Same endorsement*. 24 pp. [C.O. 5, 716. Nos. 35, 35.i., ii.; and (without enclosures) 5, 727. pp. 1-3.]

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Sept. 12. **1116.** Capt. Jennyns to Robt. Holden. The captain, Portsmouth. *referred to Sept. 9*, told me there was about 400 men in the Bahamas, and that their cheifest place of settlement was Elutheria, but much divided among themselves for want of a Governour ; and they had but seldome disputes, by reason they were so scatter'd, one on some Island, and some on othersome ; but they had a minde to goe to Providence againe ; but was unwilling to goe before they had a Governour come there. Tradeing is most by inrakeing salt and looking for wrecks, etc. *Signed and endorsed as Sept. 9. Copy. ½ p. [C.O. 5, 1264. No. 11.]*

Sept. 17. **1117.** Attorney General to the Council of Trade and Plantations. Report upon the Book of Laws of Maryland, passed 1704, 1705. The Act to *inable the Executors of Nicholas Milborne, late of Talbot County, to sell his lands for payment of his debts*, is liable to several objections. It subjects the real estate to the payment of debts on simple contract, which do not by Law charge or affect the real estate. By it, the personal estate, which ought in the first place to be applied to satisfie the debts, remaines wholly exempted, to the manifest prejudice of the heir, if there be one. The Act recites there is no heyr at law appearing. It's probable the heyr may be either an infant, or in England, etc., but if there be realy no heyr, the lands escheat. The Act further provides that all persons purchaseing under the Executors shall hold for an absolute and indefeazible estate, and there is not any saveing, either of H.M. right, or the Lord Proprietor, the heys at Law, or any creditor. For which reasons I conceive this Act not fitt to be approved.

The Act of *recognition*, altho it be an instance of the fidelity of the inhabitants, yet in regard the Province is entirely dependant on the Crowne of England, and no such Law has been thought proper to pass in England since H.M. accession, I conceive improper to be passed by the Assembly. By the Act for *rectifying the ill practices of Attorneys and ascertaining the Attorney General's and Clerk of the indictment's fees*, 'tis enacted that no Process for any criminal matter or misdemeanour shall issue out of any of the Courts of the Province against any person without a presentment first found by the Grand Jury ; and a penalty of 5,000*lb.* of tobacco is laid on the Attorney General, if he offends against the Act. This Law is a restraint upon H.M. prerogative, Her Attorney General being thereby restrain'd from filing any information, in any such case, as he shall think proper, and as is agreeable to the Laws of England ; therefore I conceive that Law ought to be rejected. The Act *against ingrossers and regrators*, as to the several penalties therein contain'd for the first, second and third offence, is prepar'd in imitation of an Act made in the 5th and 6th Edw. VI, Cap. 14, against regrators etc., but the offences of ingrossing and regrating, as described in this Act, are very different from those mention'd in the Statute of Edw. VI, and this Act of Assembly is defective in not inserting in the Act any of the exceptions contain'd in the Statute of Edw. VI, which make that Law

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reasonable ; by reason of which omission, many persons will be expos'd to imprisonment and other great penalties, and corporal punishments, against whom this Law cannot be reasonably suppos'd to have been fram'd, and who are particularly excepted out of the Statute of Edw. VI. The Act is likewise, in the most material parts of it, where the offence is described, so ill penn'd, that the construction thereof must be very uncertain, for which reasons, I conceive this Act proper to be rejected. The Act for *stay of executions after May 10 yearly* extends to all inhabitants within the Province, and provides that no execution shall issue against the body or goods, after May 10 till Nov. 10, for any debt, or on any action or judgment, provided such person against whom such judgment is obtain'd, together with two other persons, such as the Justices shall approve of, confess judgment for the debt and costs of suit, with stay of execution till Nov. 10 following, and procure a certificate thereof, as the Act mentions. This Act seems, from the preamble, to be fram'd in regard to the poorer sort, and in respect of executions for tobacco, but the enacting part extends to all persons, rich or poor, and is a perpetual Law, by which there is to be for ever, in all cases, for half the year, an obstruction or cessation of Justice ; wherefore I conceive this Law fit to be rejected. The Act for *quieting of possessions, enrolling conveyances, and securing the estates of purchasers*, enacts, that all sales, gifts and grants made before April 13, 1674, of any lands or tenements, in writing, with or without seal, shall for ever hereafter be accounted good and valuable in Law, to barr the heys of such vendors, or donors, or grantors, any error, in the form only of such writing, to the contrary notwithstanding. 'Tis very uncertain what will be accounted an error in form in a conveyance ; had this Act extended this remedy to such cases only where the purchaser had had possession ever since the purchase, it would have been less liable to exception, but as this part of the Act is penned, it may turn the heyr, who has right, out of possession instead of quieting the possession of the purchaser. This Act also recites that divers assignments of Patents endorsed thereon are worn out, and other sales in paper are worn out or lost, for which the purchase money has been bona fide paid, and thereupon enacts, that all sales, gifts or grants made before April 13, 1674, by persons that right had, if either the sales, gifts or grants or payments can be proved by witnesses, such sale, gift or grant shall for ever hereafter be accounted good and available to bar the heys of such vendors, donors or grantors, or any person claiming dower from such donor, vendor or grantor. The admitting such proof by witnesses, after so great a length of time, without any writing, will render all inheritances very precarious, especially as this Act is penned, there being no time limited within which such proof is to be made. The debarring any person to claim dower, is manifestly unjust, for whatever right the vendor had, his sale could not barr the dower of his wife, and the length of possession in this case is immaterial. I conceive, for these reasons, this Act fit to be rejected. The

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Act for limitation of certain actions for avoiding suits at Law enacts that no bill, bond, judgment, recognizance, statute or other specialty, shall be good and pleadable, or admitted in evidence, against any person of this Province, after the principal debtor and creditor have been both dead 12 years, or the debt or thing in action above 12 years' standing. This Clause is very unreasonable, there being no exception or provision made thereby to secure the right of infants, feme covert, idiots, or persons beyond the seas, or their liberty of suing for their just debts, after those impediments are removed. This Clause likewise destroys the security of 12 years' standing, tho interest has been punctually paid those 12 years for the whole debt. It likewise destroys all securities of 12 years' standing, which may be made for performance of covenants of a much longer duration. In case a debtor be insolvent, or in such low circumstances that the creditor, in compassion to him, does not take out execution upon his judgment, or sue on any other security within 12 years, the security is taken away by this clause, tho the debtor afterwards grows responsible. I conceive this Act, for the sake of this Clause, fit to be rejected. By the Act *providing what shall be evidence to prove foreign and other debts, etc.* the depositions of witnesses taken without any Commission issuing out of any Court before a Public Notary in any foreign parts whatsoever, and without any notice given to the debtor, so that he or any person on his behalf might be present at such examination, and cross-examine the witnesses, or the creditor, if he thinks fitt, are made evidence to prove any debt on bill, bond, account or otherwise, against any inhabitant within the Province, the creditor only making oath at the same time, before such Notary, of the truth of his debt; such oath being transmitted together with such proof by the said Notary into this Province. It likewise enacts that an account of goods sold, work done, money lent or such other articles as lye in account, and sworn to by the plaintiff in any action brought, or by the defendant in his defence in discount of all or part of the plaintiff's claim before any one Justice of the Provincial Court or two Justices of the County Court shall be recd. as evidence to prove the fact in any Court of the Province, provided any plaintiff or defendant against whom such oath is given in evidence, be at liberty by any other evidence besides his own, to falsify such proof. This Act seems unreasonable, it making that evidence in several cases which in its own nature is not, nor in justice ought not to be so. The depositions of witnesses are not, nor ought not to be evidence, unless where the adverse party has an opportunity of cross-examining them, much less where the adverse party has not so much as notice of the examination, nor doth it seem reasonable that any examination of witnesses should be admitted out of Court, without a Commission. 'Tis likewise against common justice that the oath of the plaintiff should be admitted as a charge, or the oath of the defendant as a discharge, but could it be thought reasonable that any proof of that nature ought to be admitted, an equal regard ought to be had to the oath

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of each party ; but as the proviso is there drawne, he that swears first excludes the other from swearing, and his oath is to stand as evidence till falsified by some other evidence besides the adverse party, I conceive this Act not fit to be approved. The Act for *ascertaining the bounds of a certain tract of land to the use of the Nanticoke Indians, etc.* provides that the Indians, the ancient inhabitants of this Province, should have a convenient dwelling place in this their native country, free from the encroachments of the English, especially the Nanticoke Indians, who have always liv'd in obedience within the Province, and it ascertains and bounds a tract of land for their dwelling for ever—to which I have no objection—but it enacts, that such tract of land shall be held of the Lord Proprietor and his heyr for ever. Whereas since the resuming of that Government by his late Majesty, I conceive that the tenure ought to be of H.M., Her heys and successors only. It likewise reserves a power for the Lord Baltemore, the late Lord Proprietor, to have and demand any rent or service for any parts of the said tract as may have been taken up within the said Indians' boundaries, under the limitations mentioned in the Act, which I apprehend to be inconsistent with H.M. right, since the resuming that Province. But I am not appriz'd in what manner the Government was resum'd by ye late King, whether upon any legal proceedings or not, and therefore can give no certain opinion as to this Law. By the Act for *publication of marriages* the Civil Magistrate is enabled to marry, as well as any person in Orders, which I humbly conceive nothing but the utmost necessity, and want of persons in Orders to perform that duty, can justifie ; whether there be such a necessity or want of persons in Orders, your Lordships are the best judges. By the Act for *Appeals, and regulating Writs of Error*, all judgments by the Governor or Council upon any review or examination of any decree, are declar'd to be final, and the benefit of appealing to H.M. is taken away unless the original debt or damages exceed 300*l.* sterling. I think 'twould be highly reasonable to prevent appealing to H.M. in matters of small value, without first giving security to answer the debt or demand decreed, together with all costs occasion'd by the appeal, according to the event of the appeal, but it may occasion great oppression if H.M. subjects are in all cases under 300*l.* value disabled from appealing to H.M. For which reason this Law seems to me not proper for H.M. approbation. By the Act *confirming the last wills of Charles Ascomb, late of St. Mary's County, gent., and of John Whinfell, of Calvert County, Planter, and of John Burnham, late of Talbot County*, the wills of Ascomb, in favour of his children, and of John Whinfell, in favour of his sons, are enacted to be good, as to the lands thereby devised, tho' publish'd in the presence of two witnesses only, whereas three, as is alledg'd in the Act, are requisite. I take this allegation to be a mistake of the Law, from an opinion that the Statute against frauds and perjuries, made in England 29th Car. II, is there in force, and therefore the Act as to this part of it, is unnecessary, and may be prejudicial

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in other cases. If the Law were there, as recited, then I should think this Law unreasonable. The last will of John Burnham is also hereby enacted to be good as to land, tho' made under age, which is contrary to the Law of England, and there is not any reason whatsoever alledg'd for confirming the wills, or any of them. By the *Act for the better administration of justice in probate of wills, etc.*, the Judge or Commissary General for Probate of Wills, and granting administrations, is required to proceed in his Court according to the Law of England, except in such cases as by this Act is otherwise directed, which are very many and are wholly inconsistent with and repugnant to the Law of England. Tho' in some cases it might be reasonable for them, according to the nature of their country, to frame Laws in some respects different from the Laws of England, yet as to the granting administration, the power and duty of an Administrator, and his method of administering, and the manner of distribution of intestate estates, the same ought not to be made different from the Law of England, forasmuch as persons dying intestate frequently leave personal estates both in England and this Province, and letters of administration may be granted out of the Prerogative Court, which will affect the whole personal estate. The Judge or Commissary General for Probate of Wills is required, *ex officio*, to call Administrators to account within 12 months after the administration granted, and if the Administrator do not give a satisfactory account, the Judge is empowered to revoke the first letters of administration *de bonis non* to some other person, and so *toties quoties*. This is contrary to the practice and Law in England, and would not only cause a great charge and uneasiness to all administrators, but also to the creditors of the intestate. This Bill establishes a method of distribution, as it ought to do, according to the Statute made in England in the 22nd and 23rd of Car. II for distributing intestates' estates. But the provisions made by the 29th Car. II at the end of the Act of Frauds and Perjuries, and by the Statute of James II for reviving and continuing several Acts of Parliament therein mentioned, touching intestates' estates, are omitted. 'Tis expressly provided by this Act, that no orphan shall be placed under or bred up by any person of a different religion from his Father. By this provision, if the Father was Papist, the infant cannot have a Protestant guardian. Amongst many other rules establish'd by this Act, 'tis provided that the money, plate, rings and jewels of the intestate shall not be used or disposed of by the Guardian, but deliver'd by him in specie to the orphan, when he comes of age. This prevents the improving the personal estate for the benefit of the orphan, it may be necessary and advisable in many cases to convert the personal estate, consisting in plate, rings and jewels, into money, and place the same at interest, or otherwise improve the same. By the 6th rule in this Act, female orphans are declared to be of full age when they are 16, to receive their estates. This is not agreeable to the Law of England, and I think an infant at 16 too young to be entrusted with the management of her estate. By rule 10, an inquiry is

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to be annually made by a Jury before the County Court whether all orphans are kept and educated according to their estates, and if the Jury find they are not, the guardian is to be discharg'd, and a new one appointed. This will be a perpetual trouble, and a great charge to guardians, which by consequence will fall on the infant and lessen his estate. The Commissary General is, by rule 12 of this Law, to allow the Executor or Administrator a salary for his trouble of 10 per cent. for all money or tobacco paid or receiv'd. By the Law in England, an Executor or Administrator upon his account can have no salary or allowance for his trouble. If any salary or allowance of that nature could be made, yet 10 per cent. is very extravagant. By rule 12, 'tis also provided, that if a residuary legatee live in England and the Executor and Administrator convert the residuum into money, and return it into England, he shall be allow'd, for his pains and trouble, 10 per cent. as if he was a ffactor. This seems to be an extravagant allowance, and an unreasonable power to be lodg'd in the Executor or Administrator without any directions or consent of the residuary legatee. This Act further provides that where any considerable part of the real estate is devised to the wife, and no express mention made that 'tis intended as a legacy, the wife shall make her election, whether she will wave the devise of the land and take her dower, or wave her dower and accept the land devised in lieu thereof, but shall not have both. This is directly contrary to the Common Law of England. In satisfaction of the debts of any testator or intestate, preference is given to debts contracted within the Province. This may be prejudicial to merchants and others of H.M. subjects not residing within that Province, and there does not seem to be any sufficient reason for making this distinction. For the several defects that are in this Law, tho some good provisions are therein contain'd, I conceive this Law not fit to pass. I think the most useful Law which could be made in this Province, concerning Executors or Administrators, would be to enact, that all Acts of Parliament which are or may be in force in England, touching Executors or Administrators, shall also take place and be in force within this Province. By the Act *impowering Major Nicolas Low*, Executor of William Edmondson, late of Dorchester County, to sell a certain tract of land etc., 'tis recited, that Edmondson in his life-time had purchas'd a certain tract of land from John Nicolas, and died before payment of his purchase money, and, at the request of Nicolas, the land is enacted to be sold, and the purchaser is enacted to hold and enjoy the same for an absolute and indefeazible estate in fee simple, and there is no saving in the Act of H.M. right or of the right of any other person. This omission I observe in most private Acts of Assembly, which pass in the Plantations. Whether, for this defect only, your Lordships will think proper that this Act, which in its own nature appears to be very just and reasonable, should be rejected, is submitted to your Lordships' consideration; but it seems very necessary, in my opinion, that your Lordships should send some intimation of this defect to the Plantations, that a

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saving clause may be inserted in all Acts of this nature, or private Acts, of H.M. right and of the right of all other persons, except of such persons as are intended to be bound by any such Act. As to all the other Acts, *enumerated*, I have not any objection in point of Law against H.M. approving the same. *Signed*, Sim. Harcourt. *Endorsed*, Reed. Sept. 19. Read Nov. 12, 1707. 21 pp. [*C.O.* 5, 716. *No.* 33; and 5, 726. *pp.* 492-517.]

Sept. 20.
Windsor.

1118. H.M. Warrant for the admission of Peter Sonmans to the Council of New Jersey. *Countersigned*, Sunderland. [*C.O.* 5, 210. *p.* 65.]

[Sept. 22.]
Carolina.

1119. Thomas Gower to Mr. Graves. I have noe letter from London sence yours. April 20, 1706, with the Lords' [*Proprietors of Carolina*] Address to the Queen. I showed the Address to severall, gave copy to Mr. Croskeys, who went to Bermuda and is fouer dayes agoe with Samuel Frith in his briggantine arrived from the Bahamas with salt; the greatest vessell that was here to take us, went and took and robbed Providence, wanting provisions very much, being disappointed here. And latly there has binn a Spanish lanch with 36 men at Providence (robbed them), but 16 men beat them off, but wanted a boat to take them: the french shipp that was here tooke about 8 of the Fort gunns, there is severall passengers gone to Elutheria from Bermudus, longin to here from you is all from, *Signed*, Tho. Gower. Came to my hands Sept. 22, from Charles Towne, South Carolina, May 10. *Endorsed*, Reed. Read Oct. 22, 1707. *Copy.* $\frac{3}{4}$ p. [*C.O.* 5, 1264. *No.* 15.]

Sept. 23.
Whitehall.

1120. The Earl of Sunderland to Governor Hunter. Recommends to his favour Mr. Francis Weeks, who lives on Rappahanock River, *etc.* *Signed*, Sunderland. [*C.O.* 5, 210. *p.* 62.]

Sept. 24.
Kensington.

1121. Order of Queen in Council. Repealing Acts of New England for punishing Vetch *etc.*, and directing that the offenders give security to stand a new trial *etc.* See April 22 and Acts of Privy Council, II. *p.* 516. *Signed*, Edward Southwell. *Endorsed*, Reed. 3rd, Read 13th Oct., 1707. 2 $\frac{3}{4}$ pp. [*C.O.* 5, 864. *No.* 194; and 5, 912. *pp.* 390-393.]

Sept. 24.
Kensington.

1122. Order of Queen in Council. Directing Governor Dudley to cause Vetch *etc.* to be tried anew in the ordinary course of law. *Signed and endorsed as preceding.* 3 $\frac{1}{4}$ pp. [*C.O.* 5, 864. *No.* 195; and 5, 912. *pp.* 394-396.]

Sept. 24.
Kensington.

1123. H.M. Warrant for removing John Holder from the Council and all public employments in Barbados. *Countersigned*, Sunderland. $\frac{3}{4}$ p. [*C.O.* 28, 38. *No.* 65; and 28, 10. *No.* 47; and 319, 1. *p.* 71; and 5, 210. *p.* 66.]

Sept. 27.
Treasury
Chambers.

1124. Wm. Lowndes to Mr. Popple. My Lord Treasurer desires the Council of Trade and Plantations to hear Mr. Sleford

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(see June 9), having no objection to his being appointed to that office, in case the Lords Commissrs. shall thinke it for the publick service. *Signed*, Wm. Lowndes. *Endorsed*, Recd. Sept. 29, 1707. 1 p. [C.O. 388, 76. No. 27; and 389, 36. p. 337.]

Sept.-Dec. 6. **1125.** Permits for 24 ships not to be embargoed. in the West Indies. [C.O. 5, 210. pp. 62, 63, 64, 67, 69, 73.]

Sept. 29.
Philaia.,
Pensylvania.

1126. Lt. Governor Evans to the Council of Trade and Plantations. *Encloses* Minutes of Council relating to this year's Assembly, "the difference betweene whom and myself is to be an occasion of complaint agt. me, *etc.* I shall not pretend to point to your Lordships the particular instances wherein these have by a vote of their house endeavour'd to arrogate to themselves the most exorbitant authorities, which no Assembly in America have, nor I hope ever will, especially in that of impeachmts., wch. makes a president as far as it can to lay the lives and ffortunes of H.M. subjects at the mercy of a Govr. and Assembly whenever they can agree to take their aim at ye same mark, for here are but two estates (the Council having no vote, only advice). But shall leave the Minitts themselves to your Lordps.' wisdome and jugemt., to make my defence, against their attacques; assuring your Lordps. nothing but my earnest zeal to preserve your Lordps.' good opinion of me in the just discharge of my duty *etc.*, has engaged me to give your Lordps. this trouble, and not the least apprehension of the ill grounded fury of a people drunk with wide notions of privileges, to whom the severest checks and reproofs from the authority att home are due, and necessary for their well being. From the Minnits it may be suppos'd I am to be complain'd off upon accot. of an alarme and the beating a constable with an *etc.* (for they absolutely refus'd to lay before me what they had to complaine off), which method of complaint I hope your Lordps.' Justice will never give way to. As for the alarme, I shall submitt to your Lordps.' judgement, whether necessary and of service, or not. I having the honour to command so considerable a number of H.M. subjects in a Province where wee have no Laws for putting the people in a posture of defence, at a time when all our neighbouring Govmts. were providing for theirs, upon the continual apprehension wee were in of Mons. Duberville's squadron, wch. threatned all along the main, I thought notwithstanding the want of such Laws, I could never answer sitting still as unconcern'd at such a juncture. Well knowing that if H.M. Province should fall into the hands of an Enemy without resistance, or at least my having done wtever was possible for me to prevent so unhappy a blow (wch. God avert) it must fall too hard upon the Commander in Cheife to answer the losse of it, Beside ye eternal scandal and reflection would unavoidably fall on him, tho' at the same time I knew not how to depend upon the least assistance, wch. mad me extreamply uneasy, and oblig'd me to take that resolution of giving the alarm in the City of Philadelphia, that I might know in case of real necessity what to expect from ye people (a thing

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frequently done in the West Indies), at wch. time appear'd in arms abt. 300 men besides officers, a poor number indeed in a place where are near as many thousand men. And this my Lords, wch. I design'd solely for ye security and defence of H.M. subjects, is by these obstinate unexperienc'd people made a matter of complaint, and indeed all my attempts for regulating the Militia (wch. have been infinitely troublesome and not a little chargeable to me since I arriv'd in this Province), have been clandestinely opposed and discouraged by such sort of men as these complainants, *etc.* As for the other [*head*], I am ashamed to trouble your Lorps. on so frivolous an occasion. I am not used to stricke, and I beleive 'tis the only instance of ye kind can be given since I came here, and done abt. 2 years since. 'Tis for giving a stroke or two with my cane to an illmannerly Dutch Constable that was rude enough to intrude upon me when I was in company. In whatever I may have fail'd of my duty, I shall readily submit to your Lps.' censure, but humbly pray that these people may not be encouraged to treat in such a manner their Govrs., who are invested with her Sacred Majesty's authority. I can't forbear taking notice to your Lordps. that the person your Lordps. will see signing as Speaker to the House, David Lloyd ye Ringleader and supporter of their wicked contrivances, is the same person, who for his repeated insolence to his late Majesty's authority in this Govmt. was by an expresse order of ye then Lords Justices to Mr. Penn, commanded to be turn'd out of all posts in the Govmt., which order (as I'm inform'd) was by mistake (I suppose) carried away among other papers when Govr. Penn went for England. I wish he had so behav'd himselfe as not have occasion'd my signifying so much to your Lordps., but 'tis quite other ways." *Signed*, John Evans. *Endorsed*, Recd. May 26, Read June 2, 1708. 4 pp. [*C.O.* 5, 1264. No. 38; and 5, 1292. pp. 47-51.]

Oct. 1.
Councill
Office.

1127. Mr. Southwell to Mr. Popple. Encloses copies of Order in Council, Sept. 24, repealing Acts of New England, *etc.*, which has been divided into two parts by Lord Sunderland. *Signed*, Edward Southwell. *Endorsed*, Recd. 3rd, Read 13th Oct., 1707. 1 p. [*C.O.* 5, 864. No. 193; and 5, 912. pp. 388, 389.]

Oct. 3.

1128. Capt. Chadwell, of the *Flying-Horse* sloop, to Robt. Holden. Reply to queries concerning the present state of the Bahama Islands. Inhabitants about 600 (300 freemen), dwelling upon Elutheria, Catt Island, Little and Great Exuma, Providence Island *etc.* They live scatteringly, in little hutts, ready upon any assault to secure themselves in the woods. No administration of Justice: the strongest man carrys the day. The enemy was last October upon Providence Island; they plundered there houses and carryed away there slaves; took abt. 16 guns out of ye Forte, and left 12, whole but spiked up; the Forte whole, not defaced anything. When assaulted flies into the woods. Trade:—braziletta-wood cutting; getting tortoise-shell; hunting for wrecks; rakeing sault, and makeing provission to

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keep them. The trade is moste from Jamaica, some from Corasao, St. Thomas, Carolina, Bermoodas, for liquor and dry goods. Abt. 20 vessells trades there a yeare of abt. 40 tuns burthen, which load with salt and wood. Exuma and Elutheria are the places for trade. Providence Town is burnt down; abt. 3 houses standing in ye woods, small hutts are in ye town where ye others was burnt, but destroy [*ed*] last Oct. Forte itself in good condition, ye houses within it burnt, no resorte of trade to town; abt. 20 men on ye Island. Woodwork and iron will be ye greatest expense to make the Fort good. Workmen there. The cost will not be much. The people bravely armed with small arms and ammunition enough; they chuse theyr Commanders as they please; when any alarum is given ym., if not able to resist, retires into ye woods, and there stands upon there guard, and secures what they have by hideing it in ye woods. They have about a dozen of small vessells amongst themselves, some of abt. 16 tuns. They fitted out last Jan. a privateer of about 20 tuns, and went on ye coast of Cuba, Capt. Walker, commander, wth. 35 men, took abt. 5 small vessells, and made abt. 50*l.* per man. The people would increase much, if a Goverment were settled, rather decrease now, for want of one. They are very desirous of a Governor, and wonders ye Lds. Propriators sends ym. not one; they seem devoted to ye Lds. Propriators and loves ym., for their great priviledges; differences are left to be decided when a Governour arrives. Vessells of 300 tuns and better may trade to Providence; Ryall Harbour for a vessell of abt. 100 tuns, ye best of harbours. Harbour Island has 3 fathom water at low water, fitting for vessells of 200 tuns but showly [= *shoaly*] within; Hockin Island for vessells abt. 70 tuns; these all. Providence is ye cheifest place, and ye people generally affects it; ye Forte redily repaired and lies best for bringing trade to; Ryall Harbour ye best for security, and naturally strong, soon made defenceable, but there is no fresh water there. Harbour Island is easilie fortified, has fresh water plenty. Providence must be ye place. *Signed*, Saml. Chadwell. *Endorsed*, Recd. Read Oct. 22, 1707. (*With Queries*, 1½ *pp.*) [*C.O.* 5, 1264. No. 14.]

Oct. 3.
Fort
Kijkoveral.

1129. Commandant Beeckman to the Dutch West India Company. *Signed*, Samuel Beeckman. *Dutch.* 4½ *pp.* [*C.O.* 116, 20. No. 8.]

Oct. 3.
Whitehall.

1130. W. Popple, jr., to Governor Dudley. Letters from the Council of Trade and Plantations are sent you by the way of Virginia, their Lordships not knowing then of any other conveyance. *Encloses* Orders of Council of Sept. 24th. [*C.O.* 5, 912. *p.* 386.]

Oct. 8.
Barbadoes.

1131. Governor Crowe to the Council of Trade and Plantations. *Acknowledges* letters of June 26 and Aug. 7 and *encloses*

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duplicates. *Prays for* H.M. pleasure about the Cartell with Martinique, which, as it was mannaged only served the French to gett intelligence and promote their trade ; I shall observe H.M. order in admitting Mr. Berrisford into the Councill, as I have done in dismissing Messrs. Sharpe, Cox, Mills and Walker, and putting ye gentlemen I formerly advis'd your Lordships in their places, who are very acceptable to all here, and I doubt not will impartially answer the trust. I find Coll. Cleland, Holder's and the other gentlemen's petition lay before H.M., soe I shall be expecting her Royall pleasure therein from your Lordships per next, and follow Sir E. Northy's opinion in granting administrations, and as soon as possible gett transcripts of the severall branches of the Revenue since 1698, to lay before your Lordships, in order thereto, the Assembly, amongst others, has now a Bill sent them from the Councill for appointing an impartiall Committee to examine all disbursments relating to the publick, the Act formerly pass'd for that end being deficient. But I must observe, that said Assembly, notwithstanding the many admonitions I have given them for promoting peace and union, have spent more time in resolves against private persons, than in dispatch of the pressing publick affairs, or rectifieing the inconveniencys the Island now lyes under for want of some amendments to the Mattross Act that [*is*] lately sent home, takeing away H.M. prerogative in appointing those that should guard the Forts etc. ; Coppy of the amended Bill, as it now lyes before the Assembly, and that of the Paper Credit, your Lordships will find inclosed, as alsoe the names of the severall Forts and Batterys with the guns thereon, and an exact list of all the inhabitants of this Island. I have taken a review of the Melitia, which did not ammount to 3,000 horse and foot, many of them without armes and indeed the meanest men that ever I saw in such a number, the want of money and dearness of all sorts of provisions, haveing distroy'd or banish'd most of the poorer sort, and the Act of Melitia is soe favourable to the rich, that they seldome or never appear, except on alarms. Said Act wants amendments, and in passing of any for the futter, I shall punctually observe your Lordships' directions. I beg your Lordships would be pleased to lay the two inclosed before H.M. for her Royall approbation. I have kept the Courts of Error and Chancery soe exact that there is not now a cause depending in either, and the Judges allwise clear their lists in the Lower Courts. I have ordered the Cheif Baron of the Exchequer to finish what lyes before him ; The *Deal Castell* returned about six weeks agoe, and in her Mr. Codrington the late Governour there ; The Indians I advised your Lordships of (in my former) upon a disgust (I supose) given by some private person, which I cannot yett find out, took two boats in the night and went away without advising any thereof. I sent down two of H.M. ships, as soon as they could be gott ready to know the reason, and by them the presents I designed for their Cheif ; They had good lodgeings, wanted for nothing in towne, and when ere came to see me entertained at my owne table. One great

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obstruction to the business in the Assembly is, that not withstanding by H.M. Commission and my Instructions, the majority which is 12, should be a quorum, they still keep to their old rule of 15, contrary to the opinion of the late Attorney General Northy, which was transmitted to Sir B. Granville. I humbly beg your Lordships to send me H.M. pleasure herein; it's a hard matter to gett 15 together out of 22 in this sickly Island which is soe indebted, that the Guners, wch. are now on duty in the Forts, want above 18 months, some 2 year's pay, which, with the necessity of raising funds for the other unavoidable support of the publick, I have often recommended to the Assembly without any other returne then that they will provide for the same when the publick accounts are settled. I thought it proper to lay this before your Lordships, that H.M. may know I have not been wanting in advising them to take care for future events, and I had rather with patience and persuasions induce them to provide what is necessary for their support, then create a new charge and fresh animosities in the Island, by choosing a new Assembly before the time of this is expired (if it otherwise can be avoided). Indeed my Lords this Island is in a miserable poor condition, the weighing of the money and late pernicious paper Act having carried it all off, and I do not find a spirit among the merchants to endeavour on any methods to replenish us. My whole time is taken up in redressing of poor petitioners, whose oppression has been the occasion of soe many leaving the Island. *Signed*, M. Crowe. *Endorsed*, Recd. 23rd, Read 26th Jan., 1707. 6 pp. [C.O. 28, 10. No. 56; and 29, 11. pp. 161-166.]

Oct. 8.
Antigua.

1132. Governor Parke to the Council of Trade and Plantations. My last to your Lopps. was of the 4th of Aug. Since that time, I have not heard from Europe, and this the only vessel bound for England and tho' but a little inconsiderable slupe and bound to Bristol, I thought it my duty to give your Lopps. an acctt. of the state of these Islands. The people having made good crops began to be in good humour, and they had almost forgot their losses by the French (wch. hapned to them just before I arrived) but to our great misfortune on Aug. 29, in the night we had a terrible storm, wch. is called here a Hurricane; Antigua has the least damage, yett they have suffer'd very much; but in St. Kitts, Nevis and Montserrat, most of the Houses are blown down, and those that stand are miserably shatter'd; for my own part I have lost almost all I have; ever since I came I have been building a House at St. Kitts, wch. is now blown down, and the flood has carryed away all the timber into the sea; I had hyred a Plantation there, and am obliged to leave it in repair, wch. will cost me as much as one whole year's salary and perquisites comes too; all my furniture in my House in Antigua is spoyl'd; I do assure your Lopps. I am now much a poorer man than when I came, wch. is very hard after having endured so much sickness and fatigue. All the vessels in the Harbours were drove ashore, and one Bristol ship oversett

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and lost ; the *Child's Play* man of warr drove on shore at St. Kitts and is lost, but the men all saved ; the *Winchelsea* was sent to convoy some vessells ; she was seen that evening off St. Kitts, but has not been heard of since ; I am affraid she and all her men are lost ; for there is come ashore at St. Bartholomew's some part of the wrack of a great ship and one man drown'd wch. by discription was the Capt's. taylor ; I have been ever since a prisoner in this Island, for want of a vessel, but I have perswaded the inhabitants to fitt out a slupe wch. I hope will be ready to sayle next week, as soon as she is ready, I will vissit the other Islands. This Island is at a very great expense in quartering of the soldiers, and since this misfortune the people begin to grumble very much, especially since there is no care taken as we hear of for the paying the soldiers, who have not received one farthing pay since they came. Every thing is very dear, and if your Lopps. does not procure us some nimble frigotts to protect us from the privateers we shall all starve, for they are so numerous they will take all vessells bound to these Islands. We have expected the London ffeet since July last, God send them safe to us, otherwise we shall be in a very miserable condetion. If H.M. had any money to spare, it would be very great charety in her to send us some provesion, and nayles for to rebuild our Houses. *Signed*, Daniel Parke. *Endorsed*, Recd. 10th, Read 11th Dec., 1707. 3 pp. [C.O. 152, 7. No. 28 ; and 153, 10. pp. 84-87.]

Oct. 8.
Barbados.

1133. Cols. Sharpe, Cox and Walker to the Council of Trade and Plantations. *Complain* that, by some disingenious misrepresentations of our actions during Sir B. Granville's Government, Governor Crow has been pleased to remove us from the Council, in obedience, as he says, to H.M. positive commands. The things we are charged with, are voting for the late Paper Act, being persons much in debt, and voting for the Triennial Law. We acknowledge, that we voted for the late Paper Act, but utterly deny that it was with any such design as has been most maliciously represented to H.M. The miserable state and condition to which this Island was reduced at that time, through the want of cash, the sale of negroes, cattle and the product of the Island at half the real value, cheifly induced us to consent to that Law, nor could we think of a more proper expedient to prevent that general ruine we apprehended would ensue upon the dayly mellancholly instances we had of men's estates being exposed and sold at publick sale, than to erect some other measure of trade in the room of silver, of which we were drained, *etc.* *Repeat defence as in enclosures of Aug. 2.* When H.E. removed us from the Councill, he exprest a great reluctance and concern at the unpleasant office, and gave us the heads of several complaints he said had been preferr'd against us, and a copy of H.M. Instructions to him, relating to the same, which he was pleased to declare was a possitive order, in obedience to which he suspended us. We shall alwayes, my Lords, most chearfully submit to H.M. commands, but we cannot conceale our concern

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that we alone should be mark't out as proper objects of H.M. displeasure, whilst others as much concern'd in passing the said repealed Laws, who also obstructed the passing the releiving Law, and against whom the other charge would more justly lye, should still be permitted to sit at that Board and enjoy H.M. grace and favour. We presented the inclosed Address to H.E., and prayed the publick seal, in order to lay the same in forme before H.M., but he was pleased to deny us that favour [see Jan. 23, '08], which obliges us to lay the same before your Lordships, humbly desiring your Lordships would be pleased to do us all the good offices in order to our restoration, and that when this affair is layed before H.M. in Councill, your Lordships will be pleased to do us the justice you think we deserve. *Signed*, Wm. Sharpe, Saml. Cox, Alexander Walker. *Endorsed*, Recd. Jan. 15, Read Feb. 10, 1707. 3½ pp. [C.O. 28, 10. No. 64; and 29, 11. pp. 191-196.]

Oct. 20.
Fort
Kijkoverall,
Essequibo.

1134. Commandant Beeckman to the Dutch West India Company. *Signed*, Samuel Beeckman. *Dutch*. 2½ pp. *Enclosed*, 1134. i. ff. Clearings, accounts, requirements, etc. *Dutch*. 44 pp. [C.O. 116, 20. Nos. 9, 9.i.-xxvi.]

Oct. 10.
Boston.

1135. Governor Dudley to W. Popple. My last letters to your Office were of May 26, since which I have had no letters from their Lordships, nor from my Lord Sunderland's Office, but am every day in hopes of the mast fleet under convoy of H.M.S. *Reserve*, there being, two days since, a runner out of that fleete arrived, by whom I hope I shall receive their Lordships' commands, and by whom also I may return the year's accounts, having had no opportunity with any safety so to do by any conveyance this year. The forces that I mentioned in my last gone upon the French Settlements to the Eastward are well returned, they went out 1,000 land men, and have been upon the French coast 4 months, have burn'd about 150 good settlements at Port Royall, considerable farms, and destroy'd 1,000 great cattle, besides sheep and hoggs to a greater number, which is all they have, and left nothing standing for their winter support, but thought it not advisable to attempt the Fort, being a regular work and guarded with 600 men, and so impassable is the countrey, that they could not without great difficulty bring up any cannon, nor had I any mortarrs more than two 50 pounders to send with them, which were inferiour to the enemy's in all points. In this whole occasion I have lost but 25 men out of the whole force, who have brought me home more prisoners, and so I must be content for this winter. I hope by the frigott returning to lay the whole matter so before H.M. as to obtain the assistance and cover of some shippes and force from home, which may remove that troublesome neighbour. I have had this summer 20 small partys of the enemy, none above the number of 50 from the French side, Quebeck and Mont-Real, and tho' with great secrecy coming upon the out parts, have been allways mett and defeated; and the last week a fleet of cannoes of 62, containing 300 salvages, making their advance upon the Province of Mayn, were met and diverted with a considerable loss, of which I cannot

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yet give a particular account. This is by a Virginian that will run the adventure, and I wish it may come safe to your hands *etc.* *Signed*, J. Dudley. *Endorsed*, Recd. 19th, Read 22nd Jan., 1707 $\frac{1}{2}$. 2 pp. [*C.O.* 5, 864. No. 197; and 5, 912. pp. 397-399.]

Oct. 13.

1136. Mrs. Sharpe to the Council of Trade and Plantations. This fleett from Barbados brings me an account that your Lordships will receive from H.E. Mr. Crow, a charge from the Assembly against the Councill in Generall, and also there perticular answers to it. I do not hear ther is any new matter in it, but what has already bin layd before your Lordships by Mr. Sharp *etc.* I have from Mr. Sharpe some reasons to beleive H.E. espouses an intrest your Lordships have lattely had just reason to condem, and that he desined soone affter the departure of the fleett to suspend al those Members of the Councill the Assembly has bin pleast to charge. But would not do it before, to debar them of making ther just complants to your Lordships. *Prays* for the protection of Mr. Sharpe. *Signed*, B. Sharpe. *Endorsed*, Recd. Read Oct. 13, 1707. 1 $\frac{1}{2}$ pp. [*C.O.* 28, 10. No. 34; and 29, 11. pp. 104, 105.]

Oct. 13.

Whitehall.

1137. Council of Trade and Plantations to Governor Dudley. *Acknowledge* letters of Jan. 1, and May 26. We must commend your care and zeal in promoting the manufacturing of Naval Stores, and doubt not of your further continuance of the same. All that we can say in relation to Mr. Bridger's particular incouragement, and to what he desires in relation to deputies, clerks and travelling charges, is, that we have laid the same before my Lord Treasurer. We know that before his going over he presented Memorials to the like purpose, which were not then complied with, and Mr. Bridger agreed to perform the service for the salary then settled, so that we fear there will not be any new addition made thereunto. In the list of the present Councillors of New Hampshire we find Samuel Penhallow omitted, for what reason we know not, not having heard from you that he was either dead or dismiss'd the Council. Neither do we know how Nathanael Ware and John Hilton came to be Members of that Council, not finding their names upon any of our lists. As to your desire of new Counsellors, it is about a year since a representation was made to H.M. for the admission of Richard Waldron, Winthrop Hilton and Joseph Smith; But no person being appointed here to solicit and take out the warrants for the same, 'tis probable they will not be dispatched till that be done. [*C.O.* 5, 912. pp. 387, 388.]

Oct. 14.

Whitehall.

1138. The Earl of Sunderland to Governor Crowe. *Acknowledges* letters of June 5, July 30 and Aug. 8. H.M. being at present at Newmarket, I have not been able to lay them before her, which I will do with the first opportunity, and by the next packet boat I will send you a particular answer thereto. *Refers* to Orders for dismissing Col. Cleland and Mr. Holder. *Signed*, Sunderland. [*C.O.* 5, 210. p. 65.]

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[Oct. 18.] **1139.** Observations upon the paper entitled the Rise, Progress, and Determination of the Bank of Barbados. In favour of Major Woodbridge and Alexander Walker. *Endorsed*, Recd. (from Mr. Walters) Oct. 18, Read Nov. 3, 1707. 9 pp. [C.O. 28, 10. No. 48.]

[Oct. 18.] **1140.** Certificate by Governor Crowe that Patrick Mein deposed that the following documents were sworn to before him. Aug. 7, 1707. *Signed*, M. Crowe. *Endorsed*, Recd. (from Mr. Walters) Oct. 18, Read Nov. 3, 1707. 1 p. *Enclosed*,

1140. i. Deposition of John Holder. Aug. 6, 1707. He never gave William Walker any gratuity for the passing of the Paper Act, nor knew of Alexander Walker doing so, beyond what is mentioned in his reply to the Assembly, *etc.* *Signed*, John Holder. $\frac{3}{4}$ p.

1140. ii. Deposition of Wm. Walker. Before the Paper Act was brought in, or he had seen it, he was told by Sir B. Granville that Alexander Walker and John Holder were to be equal sharers of the profits arising thereby. After the Bill was past John Holder told deponent to send A. Walker to him to settle their parts of the profits. *Signed*, Wm. Walker. Aug. 6, 1707. 1 p.

1140. iii. Deposition of Alexander Walker. He never paid William Walker, nor knew of his receiving a reward of 200*l.* for promoting the Paper Act, as the Assembly alleges. *Signed*, Alexander Walker. Aug. 6, 1707. $\frac{3}{4}$ p. [C.O. 28, 10. Nos. 49, 49.i-iii.]

[Oct. 18.] **1141.** Speech of the Speaker of the Assembly of Barbados to Governor Crowe upon laying before him the Resolutions of the Assembly against the persons concerned in the Paper Act. The visible, eminent and universall desolation of this once flourishing, but now poor, decayed Island (occasioned by the many invasions made on our rights, liberties and propertys by the avarice of those who ought to have preserved us), and the great violence and oppressions wee laboured under caused almost a totall decay of trade, Justice and legall proceedings, and miserably distracted, discontented and impoverished and disabled us even beyond the hopes of recovering ourselves out of the labyrinth of our amazing confusions. As such hardships imposed on us make your Excellency's generous answer to our humble Address shine with the greater lustre, so it hath given us entire satisfaction and content, *etc.* *Endorsed*, Recd. (from Mr. Walters) Oct. 18, Read Nov. 3, 1707. *Copy*. 1 p. [C.O. 28, 10. No. 50.]

[Oct. 20.] **1142.** Duplicates of Nos. 835, 836. *Endorsed*, Recd. from Mrs. Sharpe, Read Oct. 20, 1707. [C.O. 28, 10. Nos. 34.i, ii.]

Oct. 21. **1143.** Major Lloyd to the Council of Trade and Plantations.
St. Johns. The men of warr by whom I hoped for ye subsistance and cloathing for ye soldiers here, being not arrived, I pray your Lordships' consideration of ye condition of ye Company, that

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they may be supplied by ye first men of warr that are sent to this land. And whereas in 1705, bedding was sent for ye use of this garrison, it was decayed and rotten to that degree, that severall of ye ruggs would not beare their owne weight. In 1701 there was likewise bedding sent in ye same ill condition, the hardships of ye weather, together with ye small number of men allowed for this place, makes ye duty and fateague of a soldier very great, therefore humbly pray your Lordships will give orders that their usage may be better, and that bedding (the which they are in great want of) be sent them next year. Inclosed is a muster roll of ye Company and an estimate of ye damages done ye French (in their Northern fishery in this land) by our men of warr ; whom I with 40 soldiers joyned at ye request of the merchants and inhabitants, who dureing my absence voluntarily allowed 100 of their men to do duty for ye security of ye garrison. Two years' provisions being sent here in 1705, I did that winter, and likewise ye last, lend to ye inhabitants, to be repaid in like specia, what they had occasion for, the which method saved H.M. a great deal of provisions from being damnified, supported many inhabitants in their necessity, gives the soldiers content and satisfaction in haveing what's new and good, and I hope will meet with approbation of your Lordships. It was agreed this year by H.M. Officers here for a generall exchange of prisoners with the Governor of Placentia, which was accordingly done. I beg leave to observe to your Lordships two inconveniencies that may attend ye same. First, ye French immediately imploy the prisoners that are returned to them in sloops on this coast, wch. may prejudice our merchants ; secondly they may be prevailed on to winter at Placentia, which may endanger ye whole land. Last year the Commodore sent me your Lordships' Instructions to him, which, according to his request, I answered according to my judgment. If in any respect I have been amissive in not giving your Lordships an account of this land, it is because I beleive it to great a presumption in me so to doe without your Lordships' commands *etc.* Capt. Robert Latham (who was Ingenire here, being going for England) has at all times behaved himselfe with utmost diligence, *etc. etc.* Prays that he may return next summer to ye land, which I presume, by his knowledge of this countrey and love of ye people, will be of great advantage to H.M. interest and service. *Signed,* Tho. Lloyd. *Endorsed,* Recd. 28th, Read 29th Dec., 1707. 2 pp. *Enclosed,*

1143. i. Muster-Roll of the Company at St. Johns, July 25, 1707. *Endorsed as preceding.* 1 p.

1143. ii. Duplicate of Aug. 30. No. 1. [C.O. 194, 4. Nos. 34, 34.i., ii. ; and (without enclosures) 195, 4. pp. 391-394.]

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Whitehall.

1144. Council of Trade and Plantations to the Earl of Sunderland. *Enclose following to be laid before H.M. in Council. Annexed,*

1144. i. Council of Trade and Plantations to the Queen. Your Majesty having been pleased to dismiss Cols. Cleland,

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and Holder, there are now two vacancies in the Council of Barbados, and Col. Tobias Frere, formerly one of the Members of your Majesty's said Council, having at his own desire obtained leave, in Sir B. Granvill's Government, to lay down the said employ, being unwilling to comply with severall things then expected from him, and being now desirous to serve your Majesty again in the same station, we humbly represent that he, being a person of a very good character and reputation, and no ways engag'd in the late disorders which have happened in Barbadoes, and well qualifed to serve your Majesty as a Counsellor, be restored to his place, with the same precedency he had when he laid down. And Major John Pilgrim having been likewise recommended to us by several of the principal inhabitants and merchants trading to that Island, as a person fitly qualifed, he being of a good ability, well affected to your Majesty's Government, and having a considerable estate upon the place and noways concerned in the aforesaid disorders, and it being for your Majesty's service that the said Council should be compleat, we further humbly offer that he be appointed a Member of your Majesty's said Council. [C.O. 29, 11. pp. 107-109.]

Oct. 21.
Southwark.

1145. Mr. Cox to the Council of Trade and Plantations. Encloses following extract from a letter from his brother Samuel Cox of Barbadoes, July 27, 1707:—"I am surprized to find our Chief to be so great a favourer of the Scotch Collonell [? *Col. Cleland. Ed.*] and his followers, who are utter enemies to the peace and prosperity of this place. The Coll. has often said that when his bird came he would do all our businesses, and make a greater turn than he had done in Sir Bevill's time, when he turned out four of the Council and a great many Field Officers, and got himself made a Coll. and a Member of the Council. In short the Scot rules in chief, the Bird has only the title, for everything that the Collonell disliket in the President's time, he has either reverst or exploded, and he has so far possest our Cheif with an opinion, that the Queen could not give any man a patent for [that] Navall Office, he said, which the Law had given him, that thereupon I was ordered to bring my patent to him, which he read, as also the report of the Commissioners of the Customes and the Lords Committees of Trade to the King and Council, in favour of the patent, notwithstanding all which our Chief said the Queen could not give away his right, and that he would have it, and in 2 or 3 dayes I found that if I did not comply with him, I should run a great risque of being ruin'd. For the Coll. and his party had so far wrought with some Kts. of the Post that it was openly reported that some things would be sworn against me, that would be my ruine. Wherefore being unwilling to trust them I went to our Chief and submitted the office to his pleasure, on condition that he would let me officiate for him and defend me from the aforesaid Kts., wch. he

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promised to do, but would not promise to continue me in the Councill, if he should have an occasion of turning out the rest of the old Councill, so that wee daily expect to be suspended that Board, weh. would be no trouble to me, if I could then be sure to live quietly, weh. I much suspect. I pray you to take care that our Chief dos not get my patent for the Navall Office made void. Our Chief was not satisfied with my resignation of the whole profits of the Navall Office, to be accompted for on the oaths of myself and Clerk, without deducting any charge whatsoever, but he obliged me to give a bond of 1,000*l.*, to pay it to another Scott, Alexander Skeen, the publick Secretary, and would have 300*l.* per annum during his Government, weh. is more by 50*l.* per annum than it will make during the war. But my reasons for complying with such hard terms are, that I was willing to keep the office in my custody in case of his death, and another was that my enemies, who knew nothing of it, might not rejoyce at my losse. I desire you to procure H.M. leave for my coming to England, alledging it's for the recovery of my health, for here is no living under such management, for some can do nothing right and others can do nothing wrong, therefore, if there be not a speedy alteration in this Government, above one half of the inhabitants will go off. Patrick Mein, Esq. and severall others are so weary of it that they have offerred to sell their estates a great pennyworth, that they may leave the Island." *Signed*, Charles Cox. *Endorsed*, Recd. Read Oct. 21, 1707. 1½ pp. [*C.O.* 28, 10. *No.* 37; and 29, 11. pp. 111-115.]

Oct. 22.
St.
Christophers.

1146. Governor Parke to the Council of Trade and Plantations. Encloses following to be laid before H.M. The Adress was drawn and signed before I came down, I could not delay the packett so long untill a Councill and Assembly might be called. Otherwise I would have had the compliment they have made me in it left out. The substance of the Adress is true *etc.* *Signed*, Daniel Parke. *Endorsed*, Recd. 23rd, Read 26th Jan., 1707. 1 p. *Enclosed*,

1146. i. Address of the Lt. Governor, Council and Assembly of St. Christophers to the Queen. Return thanks for H.M. bountiful care since the losses sustained from the enemy, although the ships intended for releif of this Island did all miscarry, but one. Thanks for ships and stores of war. Acknowledge Governor Parke's assiduous labours in superintending erection of fortifications, *etc.* Represent their great losses by the enemy and the late hurricane (*see* Oct. 8). Return thanks for H.M. care in sending over Col. Lillingston's Regiment for their defence. "But at the same time we lay before your Majesty our incapacitys at present to provide free quarters for any part of the officers and soldiers; But at the request of our Generall (to whom wee will not deny anything in our power), wee have undertaken to give quarters for one company for three months;

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in that time the Collonel may take care to have them paid, which with some small matter allowed from those in Antigua (who have free quarters allowed them) may very comfortably subsist them. But our greatest discouragement consists in our dread and apprehensions of being injur'd and abused by the insults, depra-dations and affronts of officers and soldiers, as wee suffer'd by those of Col. Whetham's Regiment (who instead of protecting and defending your Majesty's subjects) did robb and plunder them of their stock, cattle, goods and effects, and (withdrawing themselves out of your Majestie's garrisons) did incamp themselves in the late French part of the Island, where they committed severall violencies, mischeifs, and insolencies till the arrivall of Col. Park, who to his everlasting honour restrained them, and kept them to their duty in the garrisons. We therefore pray your Majesty to direct that what troops you shall hereafter please to send for ye defence of these Islands, the Collonel come with them and be obliged constantly to pay and cloath them, etc. The cloathing last sent out for Col. Whetham's Regiment were little or nothing worth, and, before they came out, what was bought for the soldiers here by their officers, that the poor soldiers were obliged to pay double the cost out of their pay, above and besides the deduction of ye twopences, and they were without swords, and by that means less fitt for service, having been here five years before they had mountings sent them from home, their firelocks fit for no service. And for want of an Armourer, they could not be mended, and great part never received any pay, nor are ever like to receive any. And whereas there was no Chirurgeon on this Island belonging to Col. Whetham's Regiment, severall of the soldiers belonging thereunto being upon duty in the Fort on Brimstone Hill some time since happened to be wounded and maim'd by the blowing up of the magazeen by lightning. The Commanding Officer then upon this Island, Major William Gore, did possitively neglect and refuse to take any care or make any provision for the said wounded men. The Country therefore (in compassion to the poor distressed soldiers) did employ a chirurgeon to take care of them, and the commanding officer refusing to pay for their cure, the publick have been obliged to pay the said chirurgeon 75*l.* currt. money." *Pray* H.M., "in compassion to our present deplorable circumstances, to remit unto us the duty of 4½ *p.c.* by applying the same to the use of the fortifications of this Island, and that an able gunner upon a fixed sallary may be sent out to take care of and manage the guns, our poor and unhappy circumstances rendring us totally uncapable to encourage by payment or satisfaction such an officer." *Pray* that an Agent for the Royal

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African Company may reside amongst them, and that the Company may send them "such quantitys of slaves as our Island can purchase; the want of such conveniency is very detrimentall and prejudiciall unto us, wee being obliged to goe to other Islands to purchase what slaves we have occasion for, and be at severall extraordinary charges for the passage of such slaves bought off this Island, besides other expences as well as the freight of our sugars that must be sent thither for the payment of the same, as likewise the risque of enemies that we run in war-time between Island and Island, besides the discouragement of our trade, by sending our sugars to load vessels that are in other Islands, which might more reasonably be directly shipp'd from hence, they having the name to send so much sugar from their Island, when actually a great part is sent from ours." *Pray* that when H.M. shall accept of any overtures of a Peace, this Island may be kept whole and entire to the Crown, and the land given to none but those that will come and inhabit the Island *etc. etc.* *Signed*, [Council :—] Michael Lambert, Fos. Crisp, Hen. Burrell, Stephen Payne, Jno. Davis, J. Panton, Wm. Willett. [Assembly :—] J. Peteres, Speaker, Francis Phipps, Clemt. Crooke, John Willett, Jno. King, Isaac Jolly, Will. Wooddrop, Jos. Estridge. *Endorsed as preceding.* *Copy.* 8 pp.

1146. ii. Same to Governor Parke. *Pray* that above Address may be presented to H.M. with all possible speed. *Signed and endorsed as preceding.* 1 p. [C.O. 152, 7. Nos. 31, 31.i., ii.; and (without enclosures) 153, 10. p.101.]

Oct. 22.
Whitehall.

1147. Council of Trade and Plantations to the Lord High Treasurer. Presuming your Lordship will think it necessary, upon the late change in the Commission of this Board, that a new Privy Seale be passed for the same, we take this occasion to offer to your Lop. that the business of writing clerks in this office is so much increased, that it is impossible it can be done as it ought without more hands than we have hitherto had, in consideration whereof we have added another clerk as absolutely necessary for the work, and pray your Lordship's favour in the establishment, according to the annexed paper. Although this addition seems to increase the charge of this office to 60*l.* per annum, yet it is no more than 40*l.*, for your Lordship does now allow 20*l.* per annum out of the incidents for one of the clerks *etc.* *Enclosed*,

1147. i. Proposal for a new establishment for the under office in the service of the Council of Trade. (Increase from 1,110*l.* to 1,150*l.*) *See B. of T. Journal.* [C.O. 389, 36. pp. 334–336.]

Oct. 22.
St.
Christophers.

1148. Governor Parke to the Council of Trade and Plantations. *Reply* to letter of June 26. To the utmost of my power

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I endeavour to get Monk's Hill fortified. I have been myselfe for six weeks, day after day, looking over the work. But there's no perswadeing them to doe anything, but as they are frighten'd. I have often called on the Deputy Secretary to write me out the Journalls of the Councill and Assembly. I was promised them per this packett—and now they tell me they were done, but in the hurricane they were lost, which I beleive is true ; I will endeavour to get them by the next, what can be had ; 'tis for my credit that the Jour[n]alls were read before the Queen and Councill, that it might be seen what pains I have taken to get the Islands fortified, *etc.* The Queen hath noe Revenue in these Islands, but the $4\frac{1}{2}$ p.c., which is collected by officers put in per my Lord Treasurer. They accompt with the Commissioners of the Custome-house, who have a Commissioner here to overlook them, who when any vacancy happens, has power to put in others. He is also Commissioner for prizes, but he has had nothing to doe, for there has been no prize taken since I came to the Government, there is no such thing since I came as any body fined, in these small Islands, almost all the inhabitants are related ; they must be tryed by juries, who will always clear their friends, even of murther. There is no such thing as Escheats, for they are also to be found by a jury. Since I came I had two juries summoned to find an escheat, but they would not find for the Queen, though it was a plain case, as I thought. I am to govern them by Law, and if a Jury has no regard for their oaths I cannot help. The Queen has no Quit-rents, as in Verginia and other places ; For the Land is held, paying a peppercorn the year, if demanded. I appointed a Receiver for the occational Revenue, but he has not received one farthing since I came. There can be nothing received but by seizure of illegall Traders there has been no one seized since I came, for Col. Codrington has, and is like to pay soe dear for seizeing vessells, that I beleive for the future, hardly any will ever be seized. I have called up the Navall Officer for his Lists. I have every six months sent them to my Lord Treasurer, as I am directed. And the Navall Officer tells me plainly there never was but one given, and he will give no more. That if I would be at the charge of another to send to the Lords of the Trade, I may. Which if your Lordships insists upon, I will. But what costs 18*d.* in England, cost[s] 10*s.* here ; though my sallary has not the same proportion. If ever any part of the old Seal is found, it shall be sent to your Ldpps. I am obliged to your Ldpps. that Col. Hamilton and Col. Lamberts are confirm'd Lt. Governours for though I had no interest, one way or other, haveing put in the next in succession, but yet, if they had not been confirmed, it would have been a slurr upon me. I am not a little pleased your Ldpps. approves of my distributing the Queen's Bounty. I shall observe your order relating to Mr. Pogson, and to probatts of wills *etc.* I have been hithertoo verry carefull in passing of Laws. All that has past has been sent you, except the temporary laws, for quartering of souldiers, and sending their negro's to work on publick works, which they will not be perswaded for

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to last above six months, soe that before you can receive them, they will be expired. And for the future, I shall observe your Ldpps.' orders in passing all laws; hithertoo I have done the same thing your Ldpps. now orders me, and I think I have followed every Instruction I brought with me, or have received since, soe farr as 'twas possible. *Signed*, Daniel Parke. *Endorsed*, Reed. May 26, Read June 22, 1708. [*C.O.* 152, 7. No. 44; and 153, 10. pp. 148-150.]

[Oct. 22.] **1149.** Virginia Merchants to the Council of Trade and Plantations. Suggest method of measuring ships in Virginia by the gun-deck, as, being afloat, they cannot be measured by the keel there. A ship of 400 tuns will not bring above half so many tuns of tobacco, except tunnage of goods be regulated. *Signed*, Micajah Perry and 5 others. *Endorsed*, Reed. Read Oct. 22, 1707. 1 p. [*C.O.* 5, 1315. No. 72; and 5, 1362. pp. 262, 263.]

Oct. 22. **1150.** W. Popple, jr., to Rich. Savage. *Encloses* copies of preceding, and of the clause in the Act of the 6th and 7th William III, for the opinion of the Commissioners of the Customs thereupon. [*C.O.* 5, 1362. p. 263.]
Whitehall.

Oct. 23. **1151.** Council of Trade and Plantations to the Earl of
Whitehall. Sunderland. *Enclose following* to be laid before H.M.

1151. i. Council of Trade and Plantations to the Queen. Representation upon the complaint of Sir T. Laurence in accordance with the report of the Attorney General July 31, *q.v.* We humbly offer that the Act of Maryland, 1704, complained of, being now expired, it will not be proper for your Majesty to repeal the same, but that your Majesty may signify to the Governor, under your Royal Signature, your dislike of the said Law, requiring him not to pass any law for the future whereby the advantage of the Ordinary licences shall be taken from the Secretary's Office. We conceive it for your Majesty's service that at the next Assembly the Act concerning Ordinaries be made perpetual, or at least for a much longer duration than it has hitherto been made, and the benefit of the licences appropriated to the use of the Secretary, *etc.* as July 31. [*C.O.* 5, 726. pp. 481-488.]

Oct. 23. **1152.** Council of Trade and Plantations to the Earl of
Whitehall. Sunderland. *Enclose following* to be laid before H.M.

1152. i. Council of Trade and Plantations to the Queen. We have considered the Petition of Richard Budge *etc.*, and humbly take leave to lay before your Majesty the state of the fact as it appeareth to us. Budge, in 1702, being commander and part owner of the *Hope*, came from the Bay of Campeachy, laden with logwood, and in his voyage towards Holland, whither he was bound,

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was obliged to put into New Jersey for wood, water and provisions. Lord Cornbury hearing thereof, seized the said ship, and upon pretence of illegal trade caused her to be tryed, condemned and sold, together with her cargo. Budge thereupon appealed to your Majesty's High Court of Admiralty here, where, upon examination of the proceedings had by the Lord Cornbury, the said proceedings and sentence were reversed as illegal and arbitrary, and a decree for restitution accordingly made. Petitioner, not knowing how to get satisfaction, did humbly apply to your Majesty by petition for redress, which petition your Majesty was pleased to refer to Dr. Bramston and Sir John Cook, who reported the illegality of the proceedings against the said ship and cargo, and that the Lord Cornbury or his Officers ought to make full restitution of the said ship and loading, or the value thereof, which, according to an affidavit made, amounted with charges to 4,200*l.* 5*s.* 0*d.*, whereupon your Majesty was pleased to order the Rt. Hon. Sir Charles Hedges, then one of your Majestie's Secretaries of State, to write to the Lord Cornbury, requiring him to make the petitioner satisfaction for the said ship and cargo. Petitioner thereupon returned to New York and delivered the said letter to his Lordship, and petitioned his Lordship for satisfaction according to the tenour of the said letter, but after 9 months' expence of time there, he cou'd obtain nothing, his Lordship only telling him that he must apply to your Majesty for one third part, and to the informer for another, which informer was only nominal, having no share in the prosecution, nor any part of what the said ship and cargo were sold for, as he himself informed the petitioner. Petitioner was hereupon obliged to be at further expence of time and mony in returning to England, in order to lay the hardship of his case before your Majesty, for your Majesty's favourable and effectual directions in his behalf. As a further aggravation, the said cargo of logwood, which was solely owned by the petitioner, and which cou'd not be subject to damage by lying, was, together with the said ship, immediately sold, and at an under value, without waiting for the issue of the said Appeal, which ought to have been done. The loss, including the charges of prosecution, and the petitioner's expences in his voyages to and from New York, amounts in the whole to 4,775*l.* Petitioner is by such oppressive and unjust proceedings deprived at once of his whole subsistence, which he had acquired by the industry of the best part of his life, and having a wife and five children, they are, and have been for near five years, reduced to the utmost want and necessity. He communicated the abovesaid Petition to the Lord Cornbury's Agent here, for his

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observations thereupon, but he having signified to us that he had no knowledge of that matter, nor received from the Lord Cornbury any account thereof, and his Lordship not having taken notice to this Board of anything relating thereunto, we are humbly of opinion that the Lord Cornbury has acted illegally, to the great oppression of the petitioner, and that in so doing he has justly deserved your Majesty's censure, and ought to make reparation for the wrong done, in order whereunto we humbly offer that the judgment upon the Appeal against his Lordship be put in execution according to the ord'nary course of Law. [*C.O.* 5, 1121. *pp.* 99-103.]

Oct. 23. **1153.** Council of Trade and Plantations to the Earl of
Whitehall. Sunderland. Enclose following for H.M. signature. [*See*
Aug. 4.]

1153. i. Circular letter from the Queen to Governors of Plantations. Whereas we are sensible that effectual care ought to be taken to oblige the Members of our Council, to a due attendance therein, in order to prevent the many inconveniencies that may happen from the want of a quorum of the Council to transact business as occasion may require, It is Our will and pleasure that if any of the Members of our said Council shal hereafter wilfully absent themselves when duly summon'd without a just and lawful cause, and shall persist therein after admonition, you suspend the said Counsellors till Our further pleasure be known, giving us timely notice thereof. And We hereby will and require you that Our Royal pleasure be signified to the several Members of Our Council, and that it be entred in the Council Book as a standing rule, *etc.* [*C.O.* 324, 9. *pp.* 147, 148.]

Oct. 24. **1154.** W. Popple, jr., to W. Lowndes. Prays for 20 more
Whitehall. copies of the Act of Union for Governors, it being feared that the ship is lost *etc.* [*See* Oct. 31.] [*C.O.* 324, 9. *pp.* 148, 149.]

Oct. 24. **1155.** Council of Trade and Plantations to the Earl of
Whitehall. Sunderland. *Quote* letter concerning raid on the Bahamas. *See* Sept. 22. This account of the weak state of defence of the said Islands, and the little care taken by the Lords Proprietors for the security thereof, gives us occasion to remind your Lordship of our Representation of June 17, as a thing of such moment to H.M. service, that in our opinion it is necessary H.M. pleasure be declared thereupon. [*C.O.* 5, 1292. *pp.* 15, 16.]

[Oct. 24.] **1156.** List of persons turned out of the Commission of the Peace at Barbados, and of those put into their places by Governor Crowe:—Col. John Mills, Chief Judge of the precincts of St. Michael's and his 3 Assistants, Lt. Col. Wm. Carter, Major

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Zach. Shute, and Major Alex. Coningham turned out; Major Danl. Hooper, Lt. Col. Thomas Prideaux, and Henry Evans, all four actors in the tumult at the late Grand Sessions, put in their places. Charles Buckworth, Judge of the Court of Admiralty, a most ingenious man, turned out, and Major Woodbridge putt in his roome, aged 26. Major Thomas Beckles, Chief Judge of the precincts of Christ Church, and his four assistants, James Ainsworth, Lt. Col. Jos. Sheen, Capt. Wm. Cogan, and Capt. Thomas Terrell, turned out, and Capt. Richd. Brewster (an old Scottish fool), and Lt. Col. John Whetstone, Capt. Robt. Hooper, Othoriell Haggett and Peter Mascall, put in their places; all, except Haggett, were deeply concerned in the said tumult. Raines Bates, Saml. Berresford, and Col. George Peers are not admitted to be sworne in Councell. Col. George Peers' Regiment is given away from Lt. Col. Benjamin Bullard and Major Beckles' to John Hallett, who never served in any office before, and knows not what to do with the Regiment, for none of any knowledge will serve under him. *Endorsed*, Recd. (from Mr. Cox) Read Oct. 24, 1707. $\frac{3}{4}$ p. [C.O. 28, 10. No. 42.]

Oct. 24.
Whitehall.

1157. Council of Trade and Plantations to the Earl of Sunderland. Collonel Crow having signified to us (Aug. 8th) that the Assembly of Barbadoes had prepared a Bill in their House for the encouragement of the importation of money, whereby they propose to raise the rates of foreign coin in that Island, which Bill he had refused to pass, till H.M. pleasure be known, and whereas we represented to H.M. (June 10) that for the preventing of the mischeifs that did arrive by the non-execution in some of the Plantations of H.M. Proclamation for regulating the rates of foreign coin, that an Act of Parliament be pass'd here for the better inforcing of the same, we are still of ye same opinion and desire your Lordship would please to receive H.M. pleasure upon our said representation accordingly. [C.O. 29, 11. pp. 134, 135.]

Oct. 25.
London.

1158. Mr. Dummer to Mr. Popple. Gives sailings of the *Frankland* packet-boat, out and home, 123 days, having met with contrary winds. *Signed*, E. Dummer. *Endorsed*, Recd. Read Oct. 27. *Addressed*. $\frac{3}{4}$ p. [C.O. 323, 6. No. 42.]

Oct. 25.
Customhouse,
London.

1159. Mr. Savage to W. Popple, jr. Encloses following, *etc.* *Signed*, Richd. Savage. *Endorsed*, Recd. Read Oct. 27, 1707. $\frac{1}{2}$ p. *Enclosed*.

1159. i. Order of King in Council. Edward Cranfeild is appointed Clerk of the Navy Office in Barbados. March 15, 1693(4). *See* Acts of Privy Council, II. No. 528. *Signed*, Wm. Blathwayt. 1 p.

1159. ii. Commissioners of the Customs to Lords Commissioners of the Treasury. Feb. 16, 169 $\frac{3}{4}$. *Report referred to in preceding*. *Copy*. 1 $\frac{1}{2}$ pp. [C.O. 28, 10. Nos. 44-46; and (without enclosures) 29, 11. p. 136.]

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Oct. 27. **1160.** Copy of Samuel Cox's Patent under the Great Seal constituting him Naval Officer of Barbados. June 16, 1703. *Countersigned*, Wrighte. *Endorsed*, Recd. Read Oct. 27, 1707. $\frac{1}{2}$ p. [C.O. 28, 10. No. 43.]

Oct. 27.
Whitehall.

1161. W. Popple to Josiah Burchett. *Encloses* extract of letter from Governor Handasyd relating to the misbehaviour of Commodore Kerr, and the sailing of the galleons, to be laid before H.R.H. the Lord High Admiral. [C.O. 138, 12. pp. 154, 155.]

Oct. 27.
Admiralty
Office.

1162. Mr. Burchett to W. Popple. In reply to preceding. Last night in Cabinet Councill. H.M. was pleased to lodge the like complaint with H.R.H., and give directions therein. *Signed*, Jos. Burchett. [C.O. 138, 12. p. 155.]

Oct. 28.
Whitehall.

1163. Council of Trade and Plantations to the Earl of Sunderland. Having received a letter from Governor Crow, Aug. 8, wherein he writes, that, finding by the resolves of the Assembly, and the Counsellors' own confession their guilt in voting for the Paper Act, I shall obey H.M. Instructions, in turning out of the Councill Cols. Sharp, Cox, Mills and Walker; we desire your Lordship to lay before H.M. our humble opinion, That the only Instruction to which Mr. Crow can referr is a clause which the late Board were directed to add to the body of his Instructions [No. 612], *quoted*. This can have no relation to the present case, for by this Instruction he was only to examine into the misbehaviour committed by them in their places as Counsellors; and we are the more confirm'd in this opinion by another standing clause in his Instructions, which with good reason directs him to allow the Counsellors freedom of debating and voting in all affairs of publick concern, that may be debated in Councill. And all the reason that Mr. Crow alledges for his design of turning them out, is their voting for the Paper Act, so that if Counsellors in the Plantations must be accounted criminals barely for voting in their legislative capacity (though they be in an error, which is the case of Col. Sharp and the 3 others above-mentioned) it will be difficult to find persons of any tollerable ability to serve H.M. in these stations. And as a further inducement to our opinion, that the foresaid Instruction was not intended to relate to their voting for the said Paper Act, we must observe to your Lordship, that it was known here before Mr. Crow's Instructions were prepared that these 4 Counsellors had voted for the said Bill, as was accordingly represented to H.M. by the late Commissioners of this Board, notwithstanding which, H.M. was pleased to direct that the said Counsellors should be continued in their places, and that Mr. Crow, upon his arrival in Barbadoes, should examine into their misbehaviour as Counsellors. Besides, we must acquaint your Lordship that as soon as Col. Sharp, and the other three Counsellors above-named, perceived the inconvenience of the foresaid Paper Act, they did even before they had notice of H.M. repeal of the said Act (and particularly Col. Sharp as President) all that in

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them lay to prevent the said inconveniencies by endeavouring to have a Bill past in the Assembly, for remedying the same, which was still opposed by those who have been concerned in keeping up the divisions in that Island. The crime alledged against them by Mr. Crow being, as we conceive and have reason to beleive, only an error in judgment, we cannot think it a sufficient reason for their suspension from the Councill, and therefore we are humbly of opinion that H.M. letter be writ to Mr. Crow directing him not to displace or suspend the said four Counsellors, and in case he have already suspended them, that he restore them to their places and precedencys in the Councill of Barbadoes. This appearing to us as a matter of consequence for H.M. service, we humbly offer that H.M. pleasure herein be signified to Mr. Crowe by the packet boat now ready to sail. [C.O. 29, 11. pp. 137-141.]

Oct. 29.
Kensington.

1164. H.M. Warrant granting Samuel Cox, Naval Officer in Barbadoes, leave of absence for the recovery of his health and to appoint Thomas Beckles his Deputy. *Countersigned*, Sunderland. 1 p. [C.O. 28, 38. No. 66; and 5, 210. pp. 67, 68.]

Oct. 30.

1165. Capt. Gardner to the Council of Trade and Plantations. The officers of Brigadier Handasyd's Regiment here have rais'd 270 men in order to recruitt the same, which are now in the Savoy and in Tilbury Fort, the nautiousnesse of those places has occasioned feavers by which there must follow a great loss of the officers if not tymely prevented, for the govermt. only allows them 4*l.* per man for every man they shall embarke on board the packett boat at Plymouth. *Prays* their Lordships to prevail with the Admiralty to have them carryed to Plymouth with what expedition may be possible, and with Mr. St. John to have the officers' allowance enlarg'd from 4*l.* to 5*l.* per man to prevent their ruine, *etc.* There is alsoe hardships upon the Coll. haveing the off-reckonings of the respitts stopt from him, notwithstanding he has provided cloathing for a compleat Regemt., *etc.* *Signed*, Rot. Gardner. *Endorsed*, Recd. Read Oct. 30, 1707. *Addressed*. 1 p. [C.O. 137, 7. No. 63; and 138, 12. pp. 163, 164.]

Oct. 30.
Whitehall.

1166. Council of Trade and Plantations to Governor Handasyd. *Acknowledge* letters of June 19, and 25, and Aug. 29. We are sorry to perceive the great quantities of goods you mention to have been brought by the French to the Spanish West Indies, have been furnish'd from hence. *Refer* to letter of June 26. Looking upon this as a matter of great consequence, we hope you will take all due care on your part to prevent the French from carrying on that trade for the future, and we wish you had given us the causes and reasons which in your opinion have occasioned the decay of our trade in those parts, as likewise your thoughts touching such remedies as are most proper to be apply'd, which method you are desired to observe in the like

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cases for the future. We are sorry to hear the Militia are so considerably decreased from what they were in Aprill, 1706. As to your Regiment, *etc.* refer to letter of June 26. We shall take into consideration what you write in relation to Mr. Brodrick and Mr. Oldfield's being appointed Members of Council in the rooms of Col. Sadler deceased, and Col. Low now in England, and give you due notice thereof. We approve of your care and dilligence in endeavouring to prevent illegal trade, and we hope that the condemnation of the sloop you mention will be a means of deterring others. We must recommend that you do continue as much as in you lyes, to discourage and prevent such practices. We have transmitted what you writ touching the galleons, and Commodore Kerr, to H.R.H., *etc.* *Quote Mr. Burchett's reply,* Oct. 27. And as to your desire that we would continue to give you our advice in all matters relating to your Government, you may be sure wee shall not be wanting to doe the same as occasion shall require. *P.S.*—Since the writing what is above we have been attended by your Agent, Capt. Gardner, *etc.* See *preceding.* [C.O. 138, 12. pp. 159–162.]

Oct. 30.
Whitehall.

1167. Council of Trade and Plantations to Governor Crowe. Since our letter of Aug. 14, a duplicate whereof has already been sent you, we have received yours of July 30 and Aug. 8. We perceive that you still omit to sign the duplicates of your letters, and therefore we must remind you thereof, that such duplicates may be signed for the future, least the originals should at any time miscarry. We are sorry to perceive that the inhabitants have been so remiss in keeping the harbours clean. It is so great an obstruction to trade that we doubt not but you will use your utmost endeavours to perswade the Assembly to pass some Act for remedying the present and preventing the like abuse for the future. As to your enquiry about your sitting as sole Judge in the Court of Chancery, we can only tell you what the constant practice has been, and which you may much better know in Barbadoes, that the Counsellors have always had their votes in all causes depending in that Court, which method being conformable not only to yours, but to all H.M. other Governors' Instructions, we cannot think it fitting to advise any alteration therein. As to your proposal of a fit person to muster the men of war, we agree with you that it might be of service, but as that is a matter in the Province and immediately under the direction of the Lord High Admiral, you should first take your proposal to H.R.H. We desire you to explain that paragraph, wherein you say, that, *in examining of Patent offices, you find none for the Clerk of the Market nor Casual Revenue.* What you mean by Casual Revenue we want to understand, whether it be the Receiver of that Revenue you mean, or what other office it is, we desire you in your next to explain. In the doing of which we expect that you be particular in letting of us know how that Revenue arises, who has hitherto been the Receiver of it, whether he has acted by himself or deputy, and lastly, whether ever, or when those accounts have been audited.

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In the meantime we must take notice that you ought to have inform'd us, who the persons are you have put into those offices, and what the value of them is, that we might have been the better inabled to have laid before H.M. what should have appeared proper upon the examining that matter. We desire you therefore not to omit to give us a particular answer to these inquiries in your next. We shall expect the plans of the forts and fortifications which you promise, and we think it is incumbent upon you to move the Assembly in the most effectual manner, that they do all that in them lyes towards the compleating of Fort St. Anne which will tend so much not only to their honour but security; for we are apprehensive that during this time of war, no great assistance can be allowed out of the $4\frac{1}{2}$ per cent. As to the fortifying the other places proposed by Col. Lilly the Engineer, we think you ought also to endeavour the effecting of it, as soon as the state of the Island will permit. We are sensible that the Act, for remedying the inconveniencies arisen by the Paper Act, was not so full as it might have been; but we are satisfied it was the best the President could then obtain, who has appear'd to us very zealous in that matter, and which H.M. has been pleased to take notice of by the Earl of Sunderland's letters of March 21 last, both to him and to yourself. However, that Act having been approved of by the Merchants and Planters here, H.M. was pleased to confirm the same, as you will have perceived by our letter, Aug. 14. When the supplemental Act you mention comes to our hands, we shall consider the same. You are in the right not to have consented to the Bill for encouraging the importation of coin, which would have been contrary to your Instructions, we have however laid that matter before H.M., whose directions you are to expect as well upon this as upon our representation upon the subject of coin, a copy whereof we sent you in our last. You have done well in restraining unnecessary salutes, which was a needless consumption of the publick powder. We must also commend your behaviour towards the Indians of St. Vincent's and Dominico, and are of opinion that your sending presents to the Kings of the said Indians will be of service. However, we think you ought to be watchfull least the French get too great an interest amongst them. We are glad to understand from you there are so few Causes depending in the Court of Chancery, and that the Inferiour Courts are duly held. We hope your equity in the administration of justice will prevent such complaints as have formerly been made upon that subject. We shall expect by the next conveyance, according to your promise, the list of the inhabitants, distinguishing the number of Christians and slaves etc., but you are to take notice that we do not expect the names of each particular person, as was sent us from some of the Plantations, but only the number in general. We desire you to send us by the first conveyance the report of the Committee appointed to examine into the publick debts, and how the money raised for two or three years last past has been expended, which, as we suppose, coming under ye denomination of the Casual Revenue, will be of use to us.

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As to your design of turning Cols. Sharp, Cox, Mills and Walker out of the Council *etc.* Repeat gist of Representation, Oct. 28. We doubt not but you will receive H.M. directions herein (in case they can be dispatched time enough) by this packet boat. We send you here inclos'd H.M. Order for dismissing Col. Holder from the Council, *etc.*, which you are to see entred in the Council Books and observed accordingly. Having been informed that you have claimed the appointing the Naval Officer as your right, alledging that the Queen could not give the same away by patent, and that you have thereupon obliged Mr. Cox to give you a bond of 1,000*l.* for the payment of 300*l.* per annum, to Mr. Alexander Skene during your Government, which is alledg'd to be 50*l.* per annum more than the place is worth during the war; and though this be an extraordinary proceeding and disrespectful to H.M., yet we are willing to let you know our thoughts thereupon before we represent the same to H.M. We find that from 1676 or 1677, the place of Naval Officer in Barbadoes has been executed by four several persons, all commissioned under the Great Seal of England, viz., Capt. Abraham Sandford, Capt. Carmichael, Mr. Cranston, and now by Mr. Cox: that Mr. Cox had a patent for the said place from his late Majesty, that the said patent was renewed in the second year of her present Majesty's reign; that he has continued to execute the same during the Government of former Governors without any molestation from them, and without any misbehaviour alledged against him in the execution of that office. Now whether the nomination of the said Naval Officer be in the Crown or in the Governor, we think in this particular you have acted very arbitrarily and contrary to your Instructions one of which directs you, "upon the misbehaviour of patentees or their deputies to suspend them from the execution of their places till you shall have represented the whole matter and received H.M. directions therein; but that you shall not by colour of any power or authority granted to you take upon you to give grant or dispose of any office or place which now is or shall be granted under the Great Seal of England, any further than that you may upon the vacancy of any such office or suspension of any such officer put in any fit person to officiate till the said office be disposed of by H.M."; and therefore you ought in this case to have waited till there had been a judicial determination of this matter in Law, or till you had represented the matter to H.M. and her further pleasure had been declared thereupon. But your claiming the nomination of the said officer, and exacting from Mr. Cox a bond of 1,000*l.*, we can by no means think for H.M. service to be allowed. We are the more surprised at this proceeding for that you have taken no notice of it in your letter to us, nor given us any account of the persons by you turned out of Commission or of those put into office, amongst which last, we perceive Mr. Sandford to be one, and most of the others to have been deeply concerned with him at the riot at the Court of St. Michael's, whose proceedings have been highly disapproved by H.M., as you will have perceived by our letter

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of Aug. 14. And therefore we must advise you to be cautious how you employ in publick stations persons who have been notoriously guilty of disturbing the publick tranquility of that Island. [*C.O.* 29, 11. *pp.* 142-152.]

Oct. 30.
Whitehall.

1168. Council of Trade and Plantations to Governor Parke. *Acknowledge* letter of Aug. 4. The first thing you write about is the Acts for House rent. This relates to a letter writ you by the late Commissioners of this Board. However, we shall take the Acts you refer to into consideration, and then let you know our opinion. We perceive that the reason for the late Commissioners taxing you with a breach of your Instructions in swearing Mr. Panton and Mr. Willet into the Council of St. Christophers, proceeded from their not having from you or the preceding Governor frequent accounts of the state of the Council in each Island, and that was the same reason for what we writ you in relation to the Counsellors of Nevis. We expect therefore that you give us constant accounts of any alterations that happen in the said Councils either by death, absence, suspension or otherwise. We shall take notice of the persons you have recommended to fill up vacancies at Antegua as occasion shall offer, and shall expect from you the lists for the other Islands that you promised us. H.M. has appointed Mr. Lawrence Crabb to her Council in Antigua. What you write in relation to Mr. Baron shall be communicated to him at the first opportunity. We are sorry for your indisposition, but hope that by this time you will be season'd to the country. We are sensible of the reason you give for the decrease of the people in the Leeward Islands, and therefore we think you ought as much as in you lies to give all manner of discouragement to anything that tends to the depopulating the said Islands; particularly to the breeding up of slaves to handicraft trades, which would be more to the advantage of Great Britain and to the Islands themselves that the natural born subjects of these Kingdoms were employed therein. We expect from you a list of the inhabitants, expressing what are Christians and what slaves, but not their names, specifying how many males, how many feemales, and how many fit to bear arms. The sending of these accounts cannot be of any prejudice to the Islands, if you do take care to direct the captains of the ships to whom you intrust them, to throw your packets overboard with a weight fastened to them in case of imminent danger from an enemy. [*C.O.* 153, 10. *pp.* 76-78.]

Oct. 31.
Customs-
house,
London.

1169. Mr. Savage to W. Popple, jr. The Commissioners of Customs will reply [*to* Oct. 22] in a few days. *Signed*, Rich. Savage. *Endorsed*, Recd. Read Nov. 3, 1707. *Addressed*. $\frac{1}{2}$ p. [*C.O.* 5, 1315. *No.* 73; and 5, 1362. *p.* 264.]

Oct. 31.
Whitehall.

1170. Council of Trade and Plantations to the Earl of Sunderland. *Refer* to letter of June 13, and *quote* Capt. Gardner's Memorial, Oct. 30. We desire your Lordship to receive H.M. pleasure thereupon. [*C.O.* 138, 12. *pp.* 165, 166.]

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Oct. 31.
Whitehall.

1171. Council of Trade and Plantations to the Earl of Sunderland. There being reason to fear that H.M.S. *Ruby*, on board of which were dispatches for the Governors on the Continent of America, has been taken and carried into France, and the said dispatches lost, we desire you will present to H.M. enclosed duplicates of Instructions relating to the devolution of Governments upon the death of Governors *etc.* for H.M. signature. [C.O. 324, 9. p. 149.]

[Oct. 31.]

1172. Messrs. Stehn and Dorrien, of London, Merchants, to the Queen. On behalf of the owners and freighters of a neutral ship, the *Betty* galley of Stade, pray for a passport for said ship to trade with the Spanish West Indies. *Signed*, Stehn and Dorrien. *Annexed*,

1172. i. H.M. refers this petition to the Council of Trade and Plantations for their opinion. Oct. 31, Whitehall. *Signed*, Sunderland. [C.O. 389, 19. p. 175.]

Nov. 1.
Kensington.

1173. H.M. Warrant granting Henry Lowe, Councillor of Jamaica, leave of absence for a year. *Countersigned*, Sunderland. *Endorsed*, Recd. Read Dec. 3, 1707. 1 p. [C.O. 137, 7. No. 66; and 137, 45. No. 89; and 5, 210. pp. 68, 69; and 138, 12. pp. 182, 183.]

Nov. 3.
Whitehall.

1174. Council of Trade and Plantations to the Earl of Sunderland. Enclose, for H.M. signature, Instruction to Edmond Jenings, President of the Council of Virginia, as to the devolution of the Government. (Cf. Oct. 31.) [C.O. 5, 1362. pp. 264-266.]

Nov. 3.
Whitehall.

1175. Council of Trade and Plantations to the Earl of Sunderland. Enclose following to be laid before H.M.

1175. i. Council of Trade and Plantations to the Queen. Quote Representation of Dec. 15, 1704, and Attorney General's opinion, Aug. 27, 1707, and recommend accordingly H.M. approbation of Act of New York *declaring the illegality of the proceedings against Col. Bayard and Alderman Hutchins*. [C.O. 5, 1121. pp. 106-108.]

Nov. 5.
Barbados.

1176. Governor Crowe to the Council of Trade and Plantations. Your Lordships' letter of Aug. 14 with its sundry incloseds lyes now before me, and for the futtur I shall take care to signe all duplicates. Col. Lilly has not yett finish't the draughts of the fortifications, when compleated shall be sent home with the nearest calculate that can be made of their repairs. St. Ann's will be ruined by the excessive raines, which often falls on the unfinish't workes, and the Assembly is soe farr from thinking on that most importunate place, that I cannot perswade them as yett to raise any fund for the most necessary expence and repaires of those places already provided for the stores; all ye field trayne and waggons now lyeing exposed to the weather, without a barrle of tarr to preserve them. The last year's tax

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is not yett all pay'd into the Treasury, which will not discharge by some thousands of pounds the orders already granted thereon. And as I have already wrote your Lordships, this Island is soe drained of cash that there is little to be procured for the menutest occasions, which is one great reason for the poorer sortes leaving us. And last week one Harrison, a Planter (being much in debt) (notwithstanding the strictest orders given to the fforts), run off in a sloop with above 60 negros, leaveing his land to the creditors ; I wish this may be the only instance of that kinde, considering the misserable and low condition of the inhabitants, which will be insuportable, except H.M. be graciously pleased to take this place under her consideration and compassion. I have perswaded the Assembly, instead of an Act to enquire into past grivances, to prepare a Bill only to settle all publick accounts unajusted, which now lyes before the Councill : for the other would have been a means to floement their unhappy devisions. I have already wrote your Lordships that the late Cartell with Martinique only served to promote the French trade and intelligence, every Flag of Truce bringing up a cuning officer, the last had a Merreen Capt. on board with a parcele of cocco, which I ordr'd the seizing of after it had been landed here ; They have severall privateer sloops, which very much anoy our Northern trade, and wou'd much more if they cou'd by their often being here gett intelligence when we expect the said vessells, or their time of saileing hence, which with the noe proffitt that I could perceive by a correspondency with them (except H.M. would be pleased to allow of a trade), were my reasons for not allowing the continuance of sd. Cartell. As to my sitting in ye Grand Sessions, it was by the desire of all, and request of the Councill, as by the inclosed Minute, and had its intended effect of avoiding the disorders that had been often committed, by commissionating that Court, which I likewise had their thanks for. But I shall for the futtur (as in all things) acquiesce with your Lordships' better judgements, and the liberty given me by the last printed Law, to eas myself of soe great a trouble. I shall order H.M. gracious pleasure in confirming the Act to *ascertain the payment of Paper Bills*, to be publish't as all Acts heretofore in the Church's, this being the first of that kinde, for formerly all Acts were in force untill H.M. repeal'd them, and for want of a due entery of such Repeals, disputs are arrisen thereon, which to prevent, I humbly beg your Lordships would be pleased to order the sending me a list of all those that have been soe repeal'd. I have notified to ye Councill, and order'd the entery into ye Books, H.M. pleasure in discharging Messrs. Sharpe and Cox from the complaints against them, and dismist Col. Cleland from that Board and all other imployments. By the inclosed coppys of the Committe appointed for the examining into the present state of affaires, your Lordships I hope will be convinc't that I have not been wanting on my part, what ever others are on theirs. It would be some help to this Island, if the trade between New England and Suranam were obstructed, for if I bee rightly informed, great quantitys of rum, sugar

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and molasses goe in returns for their horses, flower and other provisions. By the inclosed Minute of a Court of Grivance, and the Members' reasons for the same, your Lordships will perceive H.M. pleasure is humbly desired in Mr. Holder's case. The Navall Office list for the last 3 months I have sent a copy thereof to the Commissioners of the Customs. The two men of war that went downe to St. Vincents, and to cruise in the latt. of Martinique for 12 days, are not yett returned. Amongest ye inclosed papers your Lordships will perceive the unaccountable last night's resolves of the Assembly, against the admitting of Col. Holder's grivance to H.M. gracious determination. Which shews how much they would inroach upon the Prerogative, for the whole Law has it's due course. *Signed, M. Crowe. Endorsed, Recd. 23rd, Read 28th Jan., 1707. 7 pp. Enclosed,*

1176. i. Minutes of Council of Barbados. Oct. 28—Nov. 4, 1707. Upon the petition of John Holder, the Council agree (Wm. Wheeler and Saml. Beresford dissenting) that, upon giving good security, he be relieved from the clause in the Act for *ascertaining the payment of bills*, obliging him to refund 2,592*l.* 6*s.* 10*d.*, being the commission given him under the Paper Act. Their reasons for this vote are given by Patrick Mein, Wm. Cleland, Thomas Alleyne, John Colleton and Timothy Salter. *Endorsed as preceding. 4½ pp.*
1176. ii. Observations of the Council of Trade and Plantations upon the preceding. We cannot be of opinion that the clause against Mr. Holder is contrary to natural equity, Magna Charta, and H.M. Instructions, *etc.* as is suggested. The Council's reasons answered in detail. We are of opinion that the stopping the execution against Mr. Holder, according to the powers in that clause, was illegal and of dangerous consequence. June 23—25, 1708. *4½ pp.*
1176. iii. Journal of Assembly of Barbados, Nov. 3, 1707. Resolved, that the action of the Council in suspending the proceedings against Col. Holder, *as above*, is illegal and leads to the oppression of H.M. subjects; that the Governor and Council have no power to dispense with any law legally passed, and that a petition to H.M. be prepared upon this matter, *etc.* *Endorsed as preceding. 4 pp.*
1176. iv. Minutes of Council of Barbados, June 5, 1707. The Board unanimously desired H.E. to sit in the ensuing Court of Oyer and Terminer in the Grand Sessions. *Same endorsement. ½ p.*
1176. v. Minutes of Council of Barbados, July 23 and Sept. 2, 1707, appointing Committees to revise the Laws, and to inspect the Forts and Magazines *etc.* *Same endorsement. 2 pp.* [C.O. 28, 10. Nos. 58, 58.i-v.; and (without enclosures) 29, 11. pp. 169—175; and (enclosures i., ii. only) pp. 259—266; and 319, 1. pp. 128—133.]

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Nov. 5.
Barbados.

1177. Extract of a letter from Mr. Sharpe to Mrs. Sharpe. The Governor has declar'd, that if H.M. should restore us again to the Council, yet he will not suffer us to sit, but as youngest Counsellors, under those he has put in our places, at the Board, which I desire you will take particular care to have prevented by some special appointment; for notwithstanding the mighty complements made us at our removal, we well know what Justice we have to trust to here. I am heartily sorry to see what confusions our unhappy Island is like to be brought into by some unfortunate measures, which must inevitably ruine it, unless H.M. interpose and remove the cause. They charge me with having receiv'd, or that I was to receive 2,000*l.* for dissolving the Assembly and turning out the Colonels and Judges; I assure you, 'tis a damn'd lye. The truth is, when I was first apply'd to, and desir'd to dissolve the then Assembly, 'twas propos'd, that if H.M. should not approve a thing, tho so entirely design'd for the good of the Country, and I should be call'd home, or put to any trouble on that matter, that then 'twould be hard I should suffer for so good a design; and therefore they offered to advance that sum to answer any such unhappy occasion, if need should require the same. But when I found they would not be satisfied barely with a dissolution, but would also have me breake the Colonels and turn out the Judges, I at once with great heat and indignation told them I would not do any such thing for ten times the value of the Island *etc.* I did not dissolve the Assembly till long after that on the desires of all the Island, and never had one farthing from any of them all, *etc.* I am astonished Cleland of all men living should charge me with any such thing, when he himself told Judge Walker (as I have often heard Judge Walker say he could prove on oath) that provided he might have 500*l.* for it, he would give his vote for dissolving that and as many other Assemblies as they pleased, *etc.* There is a thing which now seems very odd indeed, the restoring Judge Sandford to his place: but the matter in short was thus; after he had (by some measures which were very extraordinary, and others that did not then appear) been acquitted by the Grand Jury, the Governor ask'd us, if he was put out for any other cause than the former Grand Session business, we told him for nothing else; then he told us, we must now consider that the animosities, heats and divisions of our country had just ruin'd it, and that he saw no other means left to retrieve it, but to forget all that had been past, and to reconcile and heal all for the future, and (not knowing him as well as we do now, but believing he really design'd, and had the good of the Island in view), so the matter went, and he restor'd him without opposition. It is not to be supposed, how easily he had it in his power to reconcile all our unhappy differences here, for all parties (except a few damn'd Incendiaries) began to make all the steps imaginable to that end, and declar'd they were sensible their Country must otherwise be inevitably ruin'd, but wrong measures were taken, the disturbers of our quiet only caress'd and valu'd; so that no[w] we are in ten times a more miserably divided condition than

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ever, and God knows how fatal the consequences may prove. But by the hints you have given me, I hope H.M. will take compassion upon us. I cannot omit the mentioning some instances of his great justice and prudent conduct; by a late Hurricane the Leeward Islands, we hear, are almost destroy'd, even their very ground provisions are destroy'd, so that if they be not supply'd from hence, they are like to be all starv'd. The poor unfortunate Bankers in a full body also by their humble petition shew'd H.E. they must be inevitably undone, and all their estates laid waste, if not protected by him, *etc.* But this also met the same answer, with seasonable remarks that even Kings had proved too weak a match for a dispensing power, *etc.* He has not only dispens'd with the Law in Col. Holder's case, but done it after a most unjust manner, having averr'd that myself and the other Members of the Council, did declare that we thought the clause against him very unjust, but that we chose rather to do him injustice, than not pass the Bill, which was for the publick advantage *etc.* I just now hear the Governor has given private orders for several Justices to take such depositions as Col. Cleland thinks fit, 'tis pretended to justify him; but they say 'tis only to make farther animosities and set us together by the ears here; to send Justices about to pick up table discourses and private conversations is a very bad way to heal our differences *etc.* *Endorsed, Recd. (from Mrs. Sharpe),* Read Jan. 12, 1707. 4 pp. *Enclosed,*

1177. i. Duplicate of No. 1176.iii. *etc.* [C.O. 28, 10. Nos. 52, 52.i.]

Nov. 7.
Whitehall.

1178. Council of Trade and Plantations to the Earl of Sunderland. Representation upon Acts of Antigua and St. Kitts, 1706, each granting Governor Parke between 5 and 600*l.* sterling for house rent. These Acts are ill penned and the sums allowed too much, *etc.* *Propose* that he should reside at Antigua and move the several Assemblies in his Government to settle 400*l.* sterl. *per annum* for the Governor's house-rent, to be payd in proportion to the number of days he shall actually reside upon each Island respectively *etc.* Set out, *Acts of Privy Council*, II. pp. 534-536, q.v. [C.O. 153, 10. pp. 79-83.]

Nov. 7.
Whitehall.

1179. W. Popple, jr., to W. Lowndes. Moves for a return upon Naval Stores imported since 1700, as set out, *B. of T. Journal*, Nov. 6. [C.O. 389, 19. p. 174.]

Nov. 9.
Jamaica.

1180. Governor Handasyd to the Council of Trade and Plantations. *Acknowledges* letters of June 26, July 31, and a duplicate of May 9, with enclosures. I understand by your letter of July 31 that you have been informed by a very good hand, that two privateers from Jamaica should have committed piracy and acted contrary to their Instructions on the Spanish coast. There is nothing concerns me more than the having a check from my Superiors for the neglect of duty, where I have faithfully endeavoured to perform it; I must confess there was

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such a report of a sloop and periago commissioned from Jamaica, one commanded by Charles Knott, the other by Benjamin Scrivner, upon which I gave orders immediatly to apprehend and seize those two vessells and bring them in, but before the sloops that were sent out after them came upon the coast, one of the vessells was cast away but all the men saved, and the other brought in with both the Captains. I secured them, and gave publick notice of the same, that if any persons were injured by them on the coast, or could alledge anything against them, they might declare it in order to have them prosecuted, but nobody could say anything against them, and they brought letters both from Porto Bell and Carthagene of their behaviour upon the coast. I am humbly of opinion that the good hand your Lops. had that information from, wanted something to say to blind his own misbehaviour whilst in these parts. I hope your Lops. will not harbour an ill opinion of me, before I have notice to make a defence for myselfe. I have taken both those privateers' Commissions from them, and have their bonds signed by very secure persons for 1,500*l.* each, which shall be forfeited if any breach of their Instructions can be proved against them. As to what your Lops. have transmitted me relating to Leters of Administration, I begg leave to give you my opinion in that matter, that according to Mr. Northey's determination of it, in case the administration is granted to a person here to take care of the estate or effects of anyone deceased, he is not secure in paying any debts here, since debts may appear in England which he knows nothing of, and may afterwards be obliged to pay out of his own estate, so that I know of no way he has to be secure, but by keeping the whole estate or effects he administers upon in his own hands ; but I shall as near as possible comply with everything your Lops. shall recommend to me. As to your Lops.' order to give you an account of all transactions that have happened in the Councill and Assembly for these four years past, and likewise in relation to the publick Revenue and other Offices, I shall make known the same to the persons now in those Offices and give them directions to observe them, but I know it will be impossible for some of them to comply, severall of them being new Officers, and cannot answer for the neglects of persons before them ; and particularly in matters relating to the Assembly. I am of opinion your Lops. are not very well acquainted with the nature of our Assemblies here, they never keep any record of our Minutes, or transcribe them any other wise than as they send them up to me, during their sitting, in the manner I have sent them to your Lops. I shall be obliged to call an Assembly within these two months, the Quartering Act being near expired ; and I am very apprehensive they will provide but indifferently for the officers and soldiers, tho they cannot but be sensible of the services they have done them in preventing the insults of the enemy, who have not taken above 28 slaves off the Island this war, they have severall times attempted it, but meeting with handsome repulses have since been very quiet. Your Lops. command me to give an account to the Prize

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Office of what relates to the prizes. It is impossible for me to do it, the place where I am obliged to reside being 18 or 20 miles from the Port, and can have no other account of the prizes than what the captors or Prize Officers give me, and I take it to be properly their business: Whoever is Governor here in time of war, never wants business, if he does the part of a faithful servant, as I hope I have done, without having business crowded upon him that is so foreign to his employment. I have seen a letter to the Agent for prizes here, Mr. Hamilton, from the Prize Office in London, the purport of which is "You are in any of the Islands in the West Indies belonging to the Crown of Great Britain to call to you so many of the Commissioners of the Island you are at, as you shall judge most proper, together with yourselfe to make up the number five, and the Governor of the place for one, and then to call before you or summons such persons as you think fitt to make what discoveries you can of any embezzlements made of H.M. prizes." This I think is heaping more hardships upon me than I am able to support, that I shall be obliged to sitt with the Agents for Prizes, and be at their call to go where they think fitt, and leave all other business at a stand; therefore must desire your Lops.' favour in these matters, which are impossible for me to perform. I gave an account in my last of the ships taken by Commadore Wager's squadron, but not having then an account of their names and by what ships taken, shall now give it you in a more particular manner:—The *Jesus Maria Joseph*, bound to Campeachy, of 160 tonn, 60 men and 14 guns, laden with cocoa, taken by the *Assistance*; the *Young John* of Flushing, trading on the Spanish coast, of 120 tonn and 18 guns, loaden with divers contraband goods taken by the *Severne*; the *Sancta Rosa* from Canaries bound to Campeachy of 250 tonn, 160 men, 20 guns, loaden with wine, brandy, iron, steel and sundry dry goods, taken by the *Kingston* and *Portland*; she was burnt by accident at the Keys of Port Royall: *El Gravelein* from Canaries, bound to Havana of 150 tonn, 129 men and 10 guns, loaden with wine, brandy, iron, steel and sundry dry goods, taken by the *Kingston* and *Portland*: *Le Brave* from Rochell bound to Leogan, of 200 tonn, 60 men and 18 guns, loaden with wine and other goods, taken by the *Dunkirk's* prize. Mr. Wager and I are doing all we can to get the squadron out, which I hope will be ready within four or five days. I am putting on board all the soldiers of H.M. Regiment I can spare, and raising what volunteer sailors we can, on a designe to endeavour to intercept the galleons in their way from Carthagene to Porto Bell, which we are informed will sail the latter end of this month. I think the Island, and merchants, as well as myselfe very happy in the exchange of the Commadores. Trade continues very dull, everybody being discouraged from venturing since our last misfortunes, but I doubt not but it will soon recover, Mr. Wager taking all the methods he can to protect our Traders. I return your Lops. thanks for your timely assistance in relation to recruits for the Regiment, which we very much want. I understand my officers have raised and

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embarked 180, which I hope will be ship't on board men of war for fear of being taken by the enemy. The Island is healthy. We had on Oct. 30 about 7 a'clock at night a severe shake, but I thank God has done no damage that I hear off. *Signed*, Tho. Handasyd. *Endorsed*, Recd. 23rd, Read 26th Jan., 1707 $\frac{1}{2}$. 5 $\frac{1}{2}$ pp. [C.O. 137, 7. No. 71; and 138, 12. pp. 194-203.]

Nov. 20.
Fort
Kijkoveral.

1181. Commandant Beeckman to the Directors of the Dutch West India Company. *Signed*, Samuel Beeckman. *Dutch*. 10 pp. [C.O. 116, 20. No. 10.]

Nov. 10.
Whitehall.

1182. Council of Trade and Plantations to the Lord High Treasurer. Enclose Office Accounts, Midsummer to Michaelmas, 1707. [C.O. 389, 36. pp. 338, 339.]

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1183. Petty Expences of the Board of Trade from Midsummer to Michaelmas, 1707. See *B. of T. Journal*, Nov. 10. 5 pp. [C.O. 388, 76. Nos. 28-30.]

Nov. 10.
Antigua.

1184. Governor Parke to the Council of Trade and Plantations. I here send some part of the Minutes of the Council of this Island, as allso the imports and exports from Montserratt. I am promised per the next packett to have from each Island the severall Journalls of the Councils and Assemblys, and from the Collectors the acct. of the importes and exports since I came to my Government. I shall take care as soon as may be to gett an exact acct. of all the gunns and stores in each Island, and send them to your Lordships. The London Fleet arrived the 2nd inst., but the men of warr are gone for Jamica, so that we are still distitute of any support from the Queen's shipp. I once more beg leave to desire the favour of your Lordships to recomend me to the Queen for the Regiment in my Government, for I am informed that Col. Lillingston will not come over. And as it is my right to be made a Brigadeer Generall, I hope your Lordships will allso lay that before the Secretary of Warr, and that my Commission may bear date with Col. Crowther's, who is much a younger Coll. than myselfe. *P.S.*—I shall give all the assistance in my power to Mr. Eastwick and Mr. Rhodes, tho I have no man of warr to carry them or the Comrs. from Island to Island. *Signed*, Daniel Parke. *Endorsed*, Recd. 23rd, Read 26th Jan., 1707 $\frac{1}{2}$. 2 pp. *Enclosed*,

1184. i. Naval Officer's List of ships cleared from Montserratt, July 13, 1706—Nov., 1707. 18 ships for England, 7 for Boston. Laden with sugar and indigo. *Same endorsement*. 1 p. [C.O. 152, 7. Nos. 32, 32.i.; and (without enclosure) 153, 10. pp. 103, 104.]

Nov. 10.

1185. Order of the House of Commons. The Council of Trade are to lay before this House a list of the Governors and Deputy Governors of the Plantations. *Signed*, Paul Jodrell, Cler. Dom. Com. *Endorsed*, Recd. Read Nov. 11, 1707. $\frac{3}{4}$ p. [C.O. 323, 6. No. 43; and 324, 9. p. 150.]

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Nov. 10 **1186.** Governor Dudley to the Council of Trade and Planta-
 [and Feb. tions. I have taken three or four opportunitys by Portugal
 16, 1707]. and the West Indies lately, which are very uncertain for want
 Boston. of a direct passage by any of H.M. ships of war, but the mast
 fleet being now arrived under convoy of the *Reserve*, I am
 preparing the whole year's accounts of the Acts of the Assemblys,
 Minutes of the Council, and other accounts of the Revenue and
 state of H.M. fortifications for the several Offices, which will
 be all transmitted to your Lordships by the *Deptford*, ordered
 to attend that fleet, but the winter is so near upon us that I fear
 whither the mast ships will be able to get in their loading before
 Christmas, and then the winter's passage is very hazardous.
 I am desirous in the meantime that your Lordships should allways
 know the state of H.M. affairs in these Provinces, *etc.* I had
 severall inroads of the rebels in the winter past, of 20, 50 at a time,
 sometimes a French Officer with them, but while the snow was upon
 the ground, my snow shoes are better than theirs, and we have over-
 taken them, outmarcht them often, and in one week in February
 last destroy'd one of their troops consisting of 25, which is a very
 great loss to them, and in the spring 200 or 300 of ours kept the
 woods to divert their planting and settlement in their old places,
 which this year was thereby prevented, as has been four years
 past, so as instead of a crop of corn for the support of their women
 and children, they have nothing but what comes from the muzzle
 of their guns, and are fain to dwell, all their three tribes, under
 the cover of Quebeck and Montreall, at 300 miles distance, when
 in all former troubles, they were seldom at the distance of 40
 miles, in their known antient settlements. And early in the spring,
 in April, at the desire of both the Assemblys of the Provinces,
 I equipt 1,000 musquetteers and put them on board proper
 transports, and they have been all this summer in the Bay of
 Funde upon the French coast, and in June they landed upon
 Port Royall headland, where the only fortification of L'Acadie
 and Nova Scotia is, upon which there was a town and other
 scattered settlements depending, to the number of 150 familys,
 out of which the people soon fled, and the forces kept their
 quarters in those houses untill they found it impracticable to
 bring up any great cannon, nor had I any mortarrs to supply
 them with, more than two smal ones of 50 weight the shott,
 very unequall to the enemies for number or bigness, whereupon
 they burnt all the town home to the Fort gate and all the
 depending settlements, and destroy'd their cattle, 1,000 horned
 beast, and sheep and hoggs to a farr greater number, and came
 off the ground sooner than I intended, upon which I stopt them
 in their return, and reinforced them and made them go upon
 the ground again, and stay there some longer time, rather to
 shew their obedience than in hopes of taking the Fort, which
 is a very regular work of 40 pieces of canon, many of them cannon
 of 7, as your Lordships will see by Col. Redknap's plan and
 description thereof, which I shall send in the *Deptford*, who was
 present and of the Council of warr in this whole occasion, upon
 their return they brought with them 30 or 40 prisoners for

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exchange for any of ours that may be of the sea in the French hands; and during their whole absence, by the enemy sickness and casualty, I had lost upon the review of them but 24 men, which I hope will encourage them in the service next year either at Port Royall or Quebeck, if it shall be H.M. pleasure to direct us thither. Col. Cranston and the Assembly of Road Iland, upon my letters to them, very readily came in to this expedition, and sent me a man of warr sloop and 80 men, under the care of Lieut. Col. Wanton, who shew'd themselves very obedient and serviceable, and I should be wanting to my duty if I should not let your Lordships know it, and I doubt not to maintain a good correspondence in H.M. service with that Governmt. for the future. In all this time of the absence of the forces I had 8 or 10 small troops of the enemy of 20 or 40 each upon the inland frontiers, who were allways well mett and sent home with loss, and last of all about a month since I had advice of 60 canoes, with 4 or 5 in each canoe, French and Indians, coasting towards Wells in the Province of Mayn, whither I sent 6 troops of horse with 100 foot souldiers, who all came upon the ground at Winter Harbour, tho' at the distance of 100 miles from hence, in two days' time after the notice given me, and found that one of our fishing shallops, of 10 men only, had a rencounter with them, and having the advantage of a good shallop against their birch canoes, had kill'd and wounded about 20 of them, upon which and this appearance of the troops abovesaid they fled away secretly, and I have not heard of them since. It is impossible to represent to your Lordships the infinite disadvantage of an unpassable forrest, full of waters and lakes over which we cannot march in our pursuit of them, so that we cant boast of great destructions made upon the enemy, but all H.M. good subjects are universally sensible of their preservation and security, that we have not lost one village nor poor garrison to the enemy, these four years last past, and notwithstanding any insinuation made to your Lordships against myself or my administration, it is apparent to everybody here that it is nothing but falsehood to the last degree, and impositions offered to H.M. and your Lordships, as I hope the papers covered with this to Mr. Chamberlayn will demonstrate, which he will wait upon your Lordships with. And I may humbly and truly assure your Lordships that all the Magistrates, Ministers, military officers and principall merchants and inhabitants of these Provinces are as ready to address H.M. for her Royall favour in the continuance of Her Governour as they were, and did the last year, if it might not look too much like presumption. I humbly submit my defence in the papers to your Lordships' censure and amendment, and pray your Lordships' patronage and favour so long as I shall do my duty to H.M., and show my obedience to your Lordships' commands, and while the people universally continue easy and satisfied, as I humbly assure your Lordships it is in both the Provinces at this time. I have lately received two new Officers, Mr. Jekyll, Collector, and Mr. Newton, Comptroller. Their Commissions seem to be

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restrained to the Port of Boston, tho' in Mr. Brenton's, the former Collector's Commission there is Road Island, New Hampshire and the Massachusets, in which are other Ports by the allowed Acts besides Boston. I know not whether it be a mistake, or whether I am to expect other orders for those Ports, I have humbly acquainted my Lord Treasurer herewith. I am sending the *Reserve* friggot with the West India and Saltertudas Fleet, who I hope will return in Aprill for the defence of the coast.

[Feb. 16,
1707-8.]

Thus farr I adventured by Lisbon; the Fleet haveing stay'd to this time, the winter is now past, and I have no further discovery of the enemy in any quarter; my scouts and small partys have been out all this winter at a great distance where the Indians use to pass, but it appears they have perfectly given over their winter expeditions, upon experience they gain nothing by them. Mr. Armstrong returns in this Fleet with the papers and proceedings in Mr. Allen's affair referring to the property of the soyl in N. Hampshire. I used all possible means according to H.M. commands to have the verdicts upon those tryalls to be found speciall, that so the whole affair might be open before H.M. in Council, but could not obtain it, but Armstrong brings home all the papers and pleas fairly transcribed, and I hope there will now be an issue of that affair. Mr. Usher also sends home his accounts of debt from the Province of the Massachusets in which he cannot obtain any payment in this Province. He will himself lay the matter before your Lordships. Since the arrivall of the mast Fleet I was advised by Mr. Mico and Mr. John Plaisted, mercheants and inhabitants of the best value, that they were correspondents to Mr. Francis Collins, merchant of London, and that Mr. Collins had contracted with the Navy Board for certain masts to be cut for H.M. use in these Provinces. I directed them to attend Mr. Bridger, and give him satisfaction therein, and I would then understand it further, soon after Mr. Bridger and Mico attended me severall times, and acquainted me that they had a copy of the contract between the Commissioners of the Navy and Mr. Collins, and an originall letter signed by the Commissioners of the Navy, referring to the said contract, which they shewed me, and also alledged they had two shippa of Mr. Collins's now in the Harbour concern'd in that affair of stores for H.M., as appear'd by Captain Stucley's orders to take especial care of their return, being particularly named in his sailing orders, which I also saw. The originall contract for masts and H.M. sign manuel for their being cutt were yet wanting, upon which I told them I was strictly required to prevent any wast in H.M. woods, and had been so happy in these five years past as to have no complaint from the Surveyor or his deputys, and I would do nothing but what Mr. Bridger should desire, being most particularly concern'd and improv'd therein. The gentlemen offered any maner of bonds to the value of 10,000*l*. that the contract was bonâ fide made and the warrant coming, and that whatever they cut should be delivered to H.M. in the ports of England for nothing, in case their agreement etc. did not appear, whereupon Mr. Bridger took 2,000*l*. bond of Mr. Mico

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for his indemnity, and afterwards acquainted me with it, but upon further consideration being fearfull I suppose that he had passed his Instructions and power, he returned that bond again and desired that one of the shippes of Mr. Collins which had some masts on board might be embargo'd which at his desire was done, tho' to no inconvenience to her, the fleet being not, a long time after, ready to sail. Upon which Capt. Stucley, the Comodore home, complained to me that he dare not go home without Mr. Collins's two shippes, being especially in his orders, upon which Mr. Bridger was contented and desired that the said ship of Mr. Collins might be released to go home, the correspondents of Mr. Collins allways protesting they would deliver her to H.M. yards at Portsmouth or Deptford, since which the said correspondents upon the same pretence without any knowledge or any manner of consent of mine or Mr. Bridger's, that I know of, have proceeded to cut a greater quantity of masts in severall parts of these Governments, alledging there is a friggot coming with two ships of Mr. Collins for them; against which proceedings I have put out proclamations and given warrants to command their ceasing, and the arrest of all their trees so cut, and Mr. Bridger is carefully pursuing them in Law, their ax-men and servants, and will soon have all those trees in his keeping, and if it shall appear that what they alledge is false, there is so much service lost to them, and gotten for H.M., but if it be pleasing and agreeable to their contract, there is no harm done them, and I humbly assure your Lordships that no one stick of that timber shall be shipt or transported till H.M. pleasure be known therein, and if Mico and Plaisted are found breachers in the matter, they are men of estates very capable to answer any process H.M. shall direct to be taken against them. The Province of New Hampshire by their Representatives have pray'd that they might send their Agent to attend H.M. with their humble Address, referring to the state of that Province, Capt. George Vaughan, who was born in that Province, and will attend your Lordships, and is very capable to give account of everything there, haveing sat in their Assembly and sustained the principall offices of the Government. *P.S. (in Dudley's hand).*—I should be wanting in my duty if I should not acquaint your Lordships that Capt. Stucley in the *Deptford* who brings home a fleet of 24 ships, the masts and stores for H.M. yards, has served here very carefully three years last past and I hope will deserve your Lordships' favour. *Signed, J. Dudley.*
Endorsed, Recd. 16th, Read 19th July, 1708. 5 pp. Enclosed,

1186. i. Governor Dudley to the Council of Trade and Plantations. Memorial referring to the French Settlement in America. Having been these five years last past employed in a war and troubles with the French and their dependant Indians, he is sensible of their Settlements and strength. Port Royal is the head of L'Accadie and Nova Scotia, consisting of a very regular work with 40 peices of cannon at the mouth of a good harbour, has in it 6 regular Companys of near 300 men.

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Its dependants are—the town of Port Royal lately destroyed (*as above*) ; the town of Menis and Secanecte, open villages, which together make 500 men more, which is all the strength of that Government, and lyes not above 60 leagues from the coast of the Province of Main, where the English garrisons are. Quebeck, upon Canada River, is a fortified town, where the French General resides, has in it a Regiment making about 500 regular forces ; the towns of Mont Real, Troy River and other French Settlements, who make in the whole about 3,000 men, and so distant and divided to 300 miles at least, that they can be no assistants to each other, unless they leave the whole countrey void. These Settlements have no manner of shipping, except a few fishing boats of no force, but only once a year in August, one frigot usually comes from Placentia with two store ships for their year's supply. Notwithstanding their small number abovesaid, by their Priests and Jesuits [*they*] have gotten the command of all the inland Indians and have debauched the Indians of the Province of Mayn, and by their late trade and discovery of Messaseppi River have in a manner made a circle round all the English Colonys from New England to Virginia and do every year give the Governments of New England very great trouble. If in process of time they should be able to debauch the five nations of the Maquas, which have a long time been very difficultly kept steady to the English interest, they would bring Maryland and Virginia to the last distress, who are plained in no posture of defence, to the loss of the best trade belonging to H.M. in all the West Indies. At the issue of every war between the Crown of England and the French King they have always added to their strength and trade in their Northern Settlements in America, so that every 7 years makes a conquest of them more difficult, and they will at length, if not prevented, be able to ravage all H.M. Governments and put them beyond a capacity of carrying on the trade so necessary and beneficial to the Kingdom of Great Britain to whom they have been hitherto so advantagious. If it might please H.M. to send early in the year 5 or 6 frigots with 2,000 regular men and two bomb ketches and stores, and let all the Governments of New England, New York, Connecticut and Rhode Island be comanded to prepare a just quota of men to assist in the said service, one summer would, with the favour of Almighty God, reduce all those parts to the English obedience, and make room for very good Settlements and Provinces of H.M. subjects, and the soldiers sent thither would soon be induced upon sight of so good a country to become planters there, if it should so please H.M. The benefits of the success of this are, it would for ever

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put these Provinces to a perfect repose, and reduce all the dependant Indians to a vassalage to the English Government, secure the whole trade of furs, Naval Stores, the fishery for Spain and elsewhere intirely into the English hands, to the unaccountable proffitt of the nation, as well as glory to H.M. victorious arms, and the loss to the French would be in all things equall to the English gain.

1186. ii. Governor Dudley to the Queen. Nov. 10, 1707. Reply to charges against him presented in an Address to H.M. at Windsor, June 23. [*Cf.* Aug. 15, 1707.] His Father was one of the three first Undertakers that purchased the Province of the Massachusetts and Governor for many years to his death. Himself, during the continuance of the Charter, served the Province as one of the Council, and their Agent in England in the reign of King Charles II, and since the alteration of the Government in the last year of that King, was named President of the Province, and served in that and other stations till the happy Revolution, when he attended King William and served as Governor of the Isle of Wight near ten years *etc.* *Refers to* recent Address from the Massachusetts Bay in his favour. He was never during all these 30 years any trader or owner of shipping, nor partner with such, but has always dwelt upon his own estate as a Countrey Gentleman. He never was twice Plaintiff or Defendant in any case for himself or his estate. He was twice complained of, once at the happy Revolution, and again for the same matters impeached and heard at his coming to this Government of New England, before King William and the Privy Council, in both which hearings he was acquitted, and sent away with honour into this service. He has to the satisfaction of all mankind put into offices, civil and military, the best men of estates, birth, education and religion, and supported them in their places. He has never laboured by conference or letters to influence any judgment between man and man, but left the Courts always to their own just and free consideration, so as all things have well proceeded. During the 5 years of his service he has contented himself with the allowance from this great Province of 500*l.* per annum, which makes but 300*l.* sterl. to support him in the Government, having an estate of his own to assist him, without which he could not have supported himself, and is no otherwise chargeable to H.M. Whereas in all former wars with the French and Indians, H.M. Government has been always fain to purchase their prisoners at 5*l.* a head, or more, he has forced them to exchange prisoners without the least ransom or count on either side, to the saving a great expence. Notwithstanding the constant incursions of

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the enemy French and Indians in troops like Wolves have these four years made very hard impressions upon an open frontier of 200 miles, in poor and undefensible villiages, he, to the observation and satisfaction of all mankind, has met and defeated them many times every summer, and beat them from all their places of planting, so that they can't live within 300 miles of the English settlements, nor hath H.M. lost one village to the enemy since the first eruption, which have been always beaten in in former warrs, of all which there are 10,000 Freeholders in this great Province would freely give their evidence, as H.M. Council and their Representatives have often done. Notwithstanding all which, if it shall not appear that the allegations in the petition are false, the Petitioners incompetent by their own confession, and several of their hands forged and set by others to sd. paper, Col. Dudley pleads no merit for so many years' service to her sacred Majesty *etc.*, but humbly submitts his honour and life to H.M. disposal. The 1st Article in the Petition contains that, notwithstanding at the Revolution Col. Dudley's Countreymen were angry with him, he has obtained both from the late King and her present Majesty the Governmt. of the Countrey. It is true, that the People were in a hurry at that time, but upon a full hearing before the King and Council, Col. Dudley was justified and employed by the King in several Commissions executed his to satisfaction, and at length, when the Massachusett Government was void, that was given him also. And it is apparent to all men that Col. Dudley and his Countreymen are so good Christians that they have long since forgiven any supposed injury, and it is impossible for these poor petitioners, that have neither name, estate, nor influence in the Province to revive that displeasure again. The second Article is only hard and general words, which they say truly are unheard of, for when the Petition came to be read before the General Assembly of New Hampshire, the Council and Representatives in full Assembly, nemine contradicente, have voted them scandalous, unheard of and false reproaches, as appears by their Address herewith laid before H.M., wherein they acquit his administration from all those calumnys, and pray H.M. favour to him. The 3rd, 4th and 5th Articles contain the one thing they accuse him of, that is, his supporting the Indians in a trade to their benefit and the destruction of the English, his being partner with Capt. Vetch, and avoiding their tryal and punishment. Coll. Dudley has, immediately upon the eruption of the French and Indians, fitted all the frontiers with snow-shoes, and kept out in the winter 4 or 500 men to march hundreds of miles into the depth of the Countrey in all

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parts towards the French settlements, to the terror of the enemy, and thereby defeated all their inroads, and in the summer beat them from their fishing and planting grounds, so as they have not had one acre of corn at all their antient planting places, thereby keeping them in a starving condition ; and has obtained of the Assembly to set the Rebels' heads at 100*l.* each that should be brought in, so as their Commander Escambuit at Newfoundland in his letter to Capt. Moody, as his affidavit certifys, threatned to kill 60 English prisoners then in his hands, if Capt. Moody would not prevail with the Queen to recall Col. Dudley. Mr. Wm. Partridge in his evidence gives the reason why Col. Dudley must needs correspond with the enemy, because he knew at all times where to meet them upon the frontiers, Col. Dudley confesses that by very great difficulty by some faithful Indians at Albany, as well as from his own Agents at Quebeck, which he kept publickly there with the knowledge and consent of the Council and Assembly, he had constant secret intelligence of the enemy's numbers and marches, and to the observation of all, met them often to a day, always seasonably, so as they have been forever defeated, and left their designs, and fled home naked and wounded, which all the Ministers in the Countrey have given publick Thanks to God for, as well as the General Assembly every year in their Thanksgiving publickly celebrated, and sent home in print *etc.* ; And if this be the Demonstration of his Corresponding with the enemy, he do's acknowledge it to the praise of Almighty God and H.M. Honour. For his being partner with Capt. Vetch, the seizure of his and his partners' estate and effects, confiscating them to H.M. and his proceeding against them to fines to the value of 3,000*l.*, and saving those fines to H.M. disposal, which was never before done in any of these H.M. Provinces, it is hoped will acquit him of partnership with any of them, as well as Capt. Vetch's oath. If for 30 years past any person in New England will give oath, and prove that ever he was concerned in whole or part in any trade by sea or land to the value of 5*s.*, he is willing to forfeit H.M. Favour and all that he has in the world.

Col. Dudley further prays that the quality and circumstances of the petitioners may be considered. Mr. Higginson, the first, is a Gentleman of good value, but has been absent in the East Indies 26 years, and so may be presumed to know nothing of the Countrey, to be sure his Father has been a Minister in the Countrey near 60 years, yet living, and his brother, a Member of H.M. Council, must know more, the brother having been always assisting the Governour, and consenting in Col. Dudley's justification at this time with the Council,

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where no man has dissented from the vote sent herewith. Col. Partridge can't forgive Col. Dudley's not reversing a judgmt. for the Queen against one Furbur in his imploy, as his own deposition confesses, but has since attended Col. Dudley and asked his pardon. Mr. Taylor's letter, and his affidavit since, say he was perswaded over a bowl of punch to sign, and knows nothing of the matter, a passenger not concerned in the Countrey. Mr. Musson swears he was trappan'd, and in his oath asks pardon of the Queen and of Col. Dudley. Mr. Armstrong before H.M. Council and Judges of the Superiour Court denys his hand to the printed letter. Mr. Thomas Allin writes to the Governor that he is abused and never set his name to the petition, tho it is there set by forgery. John Hincks run away with 29 pounds due to the poor montross's at H.M. Fort which he commanded, and took no leave of the Government, as the Minute of Council declares. Of the other petitioners 14 are utterly unknown unto Col. Dudley, taylors, porters, and others gotten over a bowl of punch at St. Charles Hobby's cost, as Thomas Taylor's letter affirms, and the report of Mr. Street's oath, alledged by Mr. Sergeant Hook before H.M., is the last falsehood in the world, as well as the reason given why he did not appear, and the matter of fact will make it evident, the ships that brought to New England the acctt. of this Petition against Col. Dudley arrived here Oct. 24, 1707, before which no man knew anything of it, and the proceeding before H.M. was in June, and yet Sergt. Hook says Col. Dudley sent him money to prevent his oath. There is but one evidence that says anything of Col. Dudley's trade with the Indians, viz. John Calley, who tells the truth, that being a poor fisherman and coaster was improved by Col. Dudley to seize Capt. Vetch's vessell and effects, because he had been used to such a skulking trade before, as Col. Dudley was informed, but did not forget his trade, so that when he had gotten the vessell and goods into his hands, before he came into the Port of Boston to render them into H.M. Storehouse, as his orders commanded him, privately stole salt and other goods, and put them on board another vessell, which were sold at Marblehead for his own private use, but afterward discovered to Col. Dudley, and Cawley was forced to account for them. Col. Dudley confesses to have done some unpopular acts, which none of his predecessors have undertaken to do before him, such as totally extirpating piracy in his Governmt. (where many of the meaner people were concerned) and returning their ill-gotten wealth into the Queen's Treasury. His raising and shipping off to Jamaica, in obedience to H.M. commands, two foot companys

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- of near 100 men each, on his own credit and charge, has made him obnoxious to the displeasure of the relations of several of those people that either dyed there in the Queen's service, or never since have been permitted to return to their friends. He prevailed with the people under his Government to send two cargoes of provisions to St. Christophers as a present from the Province to relieve H.M. subjects, when the French had left them to starve. He has so effectually prosecuted the encouragement of Naval Stores, that there was more pitch and tarr sent home the last year than in many years before. He has served H.M. with all truth and plainness and just moderation being an instance of virtue, sobriety and everything becoming Religion, to the satisfaction of the Church of England in their Government, as well as to all the other Ministers, who every day visit him and bless him for his just administrations, *etc.* *Signed, J. Dudley. Endorsed, Reed. 16th, Read 19th July, 1708. 3 closely written pp.*
1186. iii. List of the Council of New Hampshire. Persons recommended for the Council :—Winthrop Hilton, Mark Hunkins, George Vaughan, George Jaffrey, Thomas Phipps, Theodore Atkinson. *Signed and endorsed as preceding. 1½ pp.*
1186. iv. List of Causes and Judgments in the several Courts of New England, 1706, 1707. *33 pp.*
1186. v. Governor Dudley's Proclamation, summoning deserters to return to their posts. Boston, July 21, 1707. *Printed by B. Green. 1 p.*
1186. vi. Governor Dudley's Proclamation laying an embargo on ships in New England until June 30th, there being an expedition seting forward against the French in the parts of Nova Scotia and L'Accadie *etc.* Seamen entering themselves in H.M. service on the said expedition shall be intituled to the like addition of wages and shares of plunder as is granted to the Land forces, for the service they shall perform on shoar. And shall be justly paid and dismiss'd the Service immediately upon their return, *etc.* Boston, April 22, 1707. *Printed. 1 p.*
1186. vii. Governor Dudley's Proclamation to prevent the destruction of H.M. Woods, and calling upon Justices *etc.* to assist John Bridger, Surveyor General of H.M. Woods *etc.* Boston, Dec. 15, 1707. *Printed. 1 p.*
1186. viii. Governor Dudley's Proclamation for a Day of Thanksgiving on Dec. 11 for the Union, the Successes of H.M. arms, the protection of these Provinces, for the plentiful harvest, and the lengthening out of our civil and religious Liberties *etc.* Boston, Nov. 24, 1707. *Printed. 1 p.*
1186. ix. Governor Dudley's Proclamation for a Day of General Fast to implore Peace and prosperity, the remission of sins and the success of the Expedition against the

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enemy in Nova Scotia, *etc.* Boston, April 22, 1707.
Printed. 1 p. *Nos.* iv.-ix. *endorsed as preceding.* [C.O. 5, 864. *Nos.* 231, 231.i.-ix.; and (covering letter and enclosure i. only) 5, 912. *pp.* 463-479.]

Nov. 11.
 Antegua.

1187. Capt. Buor to Col. Lillingston. The reason the muster-roles were not sent before Col. Jones told me he waited ye next packett for his Commission to have ye Regt. muster'd in his name. His factious, uneasy temper continues fomenting divisions in ye Regt. and against ye Genll. with severall Gentlemen of ye Country; H.E. hath order'd him away from this Island, and Capt. Whalley with theire companys to St. Christophers. Lt. Col. Floyer and Capt. Kent's companys come here. H.E. orders me to acquainte you that he hath taken such care in provideing yr. Regt. with quarters *etc.*, that they are all in good health; and that Col. Jones and a party he hath created against you have done things not fitt to relate, and yt. cou'd not be answer'd *etc.* The day before he left Antigua he nearly murdered Capt. Newell, *etc.* *Copy. Signed,* Luke Lillingston. (Incorrectly dated 170 $\frac{1}{2}$.) *Endorsed,* Reed. Read Jan. 29, 170 $\frac{3}{4}$. 1 p. [C.O. 152, 7. No. 35.]

Nov. 11.
 Whitehall.

1188. Council of Trade and Plantations to the Earl of Sunderland. Representation upon petition of Oct. 31. The Suedes being neuters, they cannot be prohibited trading to the Spanish West Indies with goods not contraband: But as the trade of Jamaica to the Spanish coast is of great advantage to this Kingdom, by the returns of bullion and other valuable commodities for our woollen manufactures, so it ought to be preserved, as much as possible, entire to this Kingdom. This trade from Stade is new, and may be of dangerous consequence, and therefore, tho' it can't be wholly prevented, nothing should be done that may give encouragement thereunto *etc.* as *B. of T. Journal*, Nov. 7. So that we think it needless to give passeports to the particular traders, either of Sueden, or of any other Crown or State in amity with H.M., because the Commanders of all British ships of war and privateers, are by their Generall Instructions strictly commanded not to molest or disturb any of H.M. Allies in the pursuit of their lawful trade. If the petitioners mean by passports a leave only to carry on a lawful trade with the allies of the Crown of Sueden, they have it already. But if under the Collour of Passeports, their meaning is to have the liberty of trading with the British Plantations in America, or of carrying contraband goods to any enemy, both which are against Law, their petition is unreasonable, and not fit to be granted. [C.O. 389, 19. *pp.* 176-178.]

Nov. 12.
 Whitehall.

1189. Council of Trade and Plantations to the Earl of Sunderland. Enclose following to be laid before H.M.

1189. i. Council of Trade and Plantations to the Queen. Governor Seymour having transmitted to us an Act lately past in North Carolina, to encourage the settlement

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of this country, we humbly take leave to lay the same before your Majesty. The purpose of the said Act is, that no person that shall, after the ratification thereof, transport themselves into that Province, shall be arrested, sued or impleaded in any Court, or be imprisoned for any debt contracted before their arrival in that Province, till and after 5 years after their said arrival, excepting such who shall be indebted to your Majesty or the Government in which they lived before their coming thither; and it further excepts all persons transporting themselves from your Majesty's Colony of Virginia, and such who have contracted debts within 6 months before their arrival in the said Province. The Act further provides, that if any person so transporting themselves, and having had the benefit of this Act, shall depart out of that Province, and afterwards return again, shall not then receive any benefit by the said Act. Upon this we humbly represent, that notwithstanding the exceptions in the said Act, it appears to us to be of very pernicious consequence to your Majesty's Province of Maryland and the other more Northern Plantations; for that the encouragement and protection by this Act given to such who shall retire thither is such, that great numbers of debtors (particularly in Maryland, where the generality are much indebted to the merchants in this Kingdom) will be induced to quit their settlements and withdraw themselves to Carolina, where by virtue of this Act they may continue 5 years exempted from the payment of their just debts, which mischief, if not timely prevented, will very much lessen your Majesty's Revenue in the dutys upon tobacco; wherein we are the more confirmed by what your Majesty's said Governor of Maryland has writ us, vizt., that several families have already removed themselves thither, where they may be out of the reach of their creditors. We further humbly represent to your Majesty, that this Act, not being consonant to reason, nor agreeable to the laws and customes of this Kingdom, which the Lords Proprietors are obliged to observe in the passing of laws, the said Act ought to be repealed. But that your Majesty may be fully apprised of this matter, we humbly lay before your Majesty the opinion of your Majesty's late Attorney and Solicitor General upon a former Act of Carolina, which opinion we conceive applicable in all respects to the present Act, viz. That by the Grants of that Province made by his late Majesty King Charles II, bearing date March 24 in the 15th and June 20 in the 17th years of his reign, a power of making laws, with the assent and approbation of the Freemen there inhabiting, is granted to the Proprietors, for the good and happy Government of

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that Province, so as such laws be consonant to reason and, as near as may be, conveniently, agreeable to the laws and customs of England; and they were of opinion that laws consonant to reason and repugnant to the laws of this Kingdom are not warranted by the said Charters, and that your Majesty may declare these laws to be null and void; that your Majesty may command that the same shall not be put in execution or observed; and may also require and command the Proprietors and Assembly of that Province by Act of Assembly to enact and declare the same to be null and void. And they were further of opinion that the making such laws is an abuse of the power granted of making laws, and will be a forfeiture of such power, and that that power may be seized into your Majesty's hands by *scire facias* in the Chancery, on the Patents, or by *quo warranto* in your Majesty's Court of Queen's Bench, if the laws were approved and confirmed by the present Proprietors. Whereupon, having had this matter under consideration, and concurring with the above Report of your Majesty's Attorney and Solicitor General; we doe humbly offer that your Majesty be pleased by your Order in Council to declare the said Law to be null and void, and that your Majesty be further pleased to signify your Royal pleasure to the Proprietors and Assembly of that Province, that they do not permit the said Law to be put in execution, but to declare the same null and void, as was done by your Majesty's Order in Council of June 10, 1706, upon the laws therein mentioned. The making of such a Law we conceive to be an abuse of the power granted to the said Proprietors, and a forfeiture of such their Charters, which may be vacated by due course of law. [C.O. 5, 1292. pp. 17-21.]

Nov. 12. **1190.** Council of Trade and Plantations to the House of
Whitehall. Commons. A list of Governors, as ordered Nov. 10. [C.O. 324, 9. pp. 150, 151.]

Nov. 12. **1191.** Order of the House of Lords. That the Commissioners of Trade do lay before this House a state of ye Trade of this Kingdom *etc.* Signed, Mat. Johnson, Cl. Parl. [C.O. 389, 19. p. 178.]

Nov. 12. **1192.** Council of Trade and Plantations to the Lord High
Whitehall. Treasurer. Report upon Mr. Sliford's proposal [No. 967]. It has been the constant practice of the Commissioners to send for the most eminent merchants, as occasion required, to discourse them about matters of trade, who have always attended with great readiness, and have from time to time given ye best accounts they could of the state of the several trades wherein they were experienced. And we have reason to beleive that

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we can not so safely depend upon the accounts or schemes of trade which shall be collected and given in to us by the Proposer, or any other single person, as we may do upon such as we shall receive from the merchants themselves, since by discoursing them, we may have an opportunity of being more fully informed of all such matters by the questions and answers that may arise in order to the forming our Judgement, and the laying the same before H.M. or either House of Parliament, when required. For besides that some Trades interfere with one another, it has frequently been found by experience that in the management of one and the same trade, merchants have differed in opinion, according to their respective private interest or way of trade; so that in order to form a right judgement upon any part of our Trade, we think it absolutely necessary (notwithstanding the informations the Proposer may lay before us) not only to have the opinion of the most eminent and best experienc'd merchants in the severall trades so interfering, but likewise the different opinions, on one side and t'other, of the traders, even in one and the same trade. This we think cannot well be performed by any one person (especially under the character proposed, which will not carry a sufficient weight). For the person so to be employed, having an acquaintance with merchants (perhaps no great traders) he may be inclin'd to take his accounts from them, how partial soever they may be to their own interest, rather than give himself the trouble of being informed by strangers, tho' much more considerable traders, admitting he could procure such acct's. from thence; nor is it easily to be beleived, that the most eminent merchants will care to subject their accounts of trade to the representations that may be made by a single person (unknown perhaps to them), under the character of Agent; and if the Proposer has been formerly concerned in Trade, 'tis possible he may be byassed in his accounts, in favour of that particular trade, wherein he was so concerned, to the prejudice of other parts of trade, or partial to his own method of trading, contrary to the true interest even of that particular trade. Whereas we do not find, that the methods of inquiry used by this Board have at any time been liable to the like objections, all matters relating to trade, having as occasion required, been fully and impartially inquired into, with the best assistance that could be had from the most experienced merchts. and traders of the fairest character. Mr. Sliford further proposes to correspond with merchants in other parts of the Kingdom *etc.* What acquaintance the Proposer has with such traders, we know not; but this method of correspondence being no more than what has been used by the former Commissioners, or our Secretary, and the carrying it on by a particular person under the character proposed, being liable to the before-mentioned objections, we do not see of what use such an officer can be to us in this particular. He likewise proposes to settle a correspondence with H.M. publick Ministers abroad, and any eminent merchants *etc.* in foreign parts, for acquiring early notices of all material transactions of trade,

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and especially such which most concerns England to know. We find this has been practised by the former Commissioners who, as occasion required, have had freqt. accounts from severall of the publick Ministers and others of the state of Trade in the respective places where they resided, and particularly in relation to our trade with the two Northern Crowns for Naval Stores, nor can we think but that they will have a greater regard to such a correspondence wth. us, and be more exact in their acct^s. of all matters relating to trade, than can be expected if the same were carryed on by the proposer, or any other person under the character of Agent. And either we must forbear all such correspondencies while they are carryed on by the Proposer, or put those Ministers to the charge and trouble of a double correspondence. These are all the methods which the Proposer lays down for procuring accounts or materials for a Trade History, as he terms it. As for his method of entring the same into Books, and the drawing up Abstracts and Memorials of such Accounts, to be from time to time laid before us; 'tis no more then what has constantly been done by our Secy. in a very exact and ready method. We do readily concur in opinion with the Proposer, that a full and exact Collection of all matters anyways relating to trade, must be very usefull and necessary to our forming a right judgement, and to the enabling us to discharge the trust reposed in us for the advancement of Trade, yet from anything he has offer'd, we can by no means agree that such a collection is not to be made, but by some one person to be constituted Agent for that purpose, since all the methods laid down in his said proposal, to which he wholly referred himself, have already been put in practise, and likewise severall other methods not mentioned by the Proposer. Upon desiring Mr. Sliford to give any one instance wherein Trade might be improved, he mentioned the regaining the Greenland Trade, the improving the manufacture of saile cloath, and the setting up a trade for our home salt to the Northern Crowns. But being pressed to show which way anything of that kind might be effected, he absolutely declined to give any answer. The greatest part of the business intrusted to our care does regard the administration of the Government, the Laws, Commerce, and the security of H.M. Plantations in America, wherein wee do not see of what use the Proposer can be to us. So that upon the whole matter, wee are of opinion, that the constituting such an officer as is proposed, will not be of any use to us, or advantage to H.M. service. [*C.O.* 389, 36. *pp.* 340-348.]

Nov. 12.
Customs-
house,
London.

1193. Mr. Savage to Mr. Popple. *In reply to Oct. 22.* The Commissioners of Customs have again consulted with a profest mathematician and others, who propose a *system of measuring ships described*, which they desire you to lay before the Council of Trade and Plantations. *Signed, Rich. Savage. Endorsed, Recd. Read Nov. 14, 1707. Addressed. 1 p. Enclosed,*

1193. i. Duplicate of Memorial, Oct. 22, 1707.

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1193. ii. Copy of a clause in an Act of 6 and 7 Wm. III. as to the admeasurement of ships. $1\frac{1}{2}$ pp. [C.O. 5, 1315. Nos. 74, 74.i., ii.; and (without enclosure) 5, 1362. pp. 266, 267.]

Nov. 12. Barbadoes. **1194.** Governor Crowe to the Council of Trade and Plantations. By the packett bote that sayled hence the 5th inst., I sent a full account of all occurrences heare, but doe not thinke it saife to send coppys thereof by this single vessell, the Capt. desingeing alone ffrom Antigoe. H.M. two men of warr are returned from theire crousse, and brought up some more Indieans. By next I shall troble your Lordships with a copy of ye Agrement the Commanders made with them. *Signed*, M. Crowe. *Endorsed*, Recd. Read Jan. 12, 1707. *Holograph*. 1 p. [C.O. 28, 10. No. 51; and 29, 11. p. 154.]

Nov. 14. Whitehall. **1195.** Mr. Secretary Harley to the Council of Trade and Plantations. The Queen having ordered several estimates *etc.* to be laid before the House of Commons, upon their Address to H.M., I send you here inclosed a list of such of them as relate to the Plantations, that you may take care to have the same prepared with as much speed as possible. *Signed*, Rob. Harley.
1195. i. Order of the House of Commons. That an account of the state and trade of the Plantations be laid before this House. Nov. 14, 1707. [C.O. 389, 19. p. 178.]

Nov. 15. Barbicee. **1196.** P. Vanderheyde Reze to the Directors of the Dutch West India Company. *Signed*, P. Vanderheyde Reze. *Dutch*. 2 pp. [C.O. 116, 20. No. 11.]

Nov. 15. Whitehall. **1197.** W. Popple, jr., to Micajah Perry. Encloses copy of Mr. Savage's letter, Nov. 12, for the opinion thereon of the signatories of Memorial, Oct. 22. [C.O. 5, 1362. p. 267.]

Nov. 15. Whitehall. **1198.** W. Popple, jr., to John Hyde. The Council of Trade and Plantations desire to speak with you and any other merchants trading to Maryland upon the Act ascertaining the guage of tobacco hhds. *etc.* [C.O. 5, 727. p. 1.]

Nov. 17. **1199.** Jamaica Merchants to the Council of Trade and Plantations. On encouragement of the countenance and protection from H.M. we did the last year cause very great quantitys of woollen manufactures to be ship't for Jamaica, thence to be exported to the Spanish West Indies to a much greater value then ever was before exported in one year for that trade. Pursuant to that encouragement we received here, we advised our Agents abroad to make proper application there for ships of warr to cruize on ye Spanish coast, and more particularly for one to convoy our sloops thither, but Commodore William Kerr, after many trifling promises, at last refused to send any, tho 600*l.* was offered as a gratuity, but 1,500*l.* was demanded, wch. the traders not being able to give, four sloops

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richly loaden with woollen and other valuable goods went out without any protection, tho the ships of warr there lay uselesse at anchor, of which four sloops three were taken by the enemy, and ye fourth after having traded and gott aboard 176.000 peices of eight was engaged and chased by two privateers, and his yards being chained, was oversett in a gust of wind and thereby 53 men and all that treasure lost. These and ye like losses occasioned by the want of our promised and expected protection have rendred us unable to make the like exports for that trade this year, wch. if had meet with due encouragemt. would doubtlesse have bin doubled. We confesse on delivery of a letter to Commodore Wm. Kerr from H.R.H. he did afterwards send out the *Experiment* man of warr to convoy three sloops, but this not without the reward of 800*l.* which was paid him, too heavy a charge for that trade to bear under soe many other discouragements, to the encreasing all those Commodore Kerr has much contributed by seizing a sloop newly returned from that trade on frivolous pretences, and keeping her in custody above 20 days, and then redelivered her, to the great damage of the concerned, as well as fright'ning others from the same trade. These are some few of the many hardships wee have laboured under in endeavouring to retrive that valuable trade, which if duly taken care of had before now brought a vast treasure to this nation, and is capable of being very much enlarged every year. *Signed*, Benj. Way, Wm. Wood, and 6 others. *Endorsed*, Recd. Read Nov. 17, 1707. 2 pp. [*C.O.* 137, 7. No. 64; and 138, 12. pp. 167-169.]

Nov. 18. **1200.** Mr. Estwick to Mr. Popple. After a very dangerous St. Xtophers. as well as long passage I got safe here the 17th inst. and waited on Lt. Gov. Lambert. The necessary orders are given for the Commissioners to meet at the Old Road Town on Monday next *etc.* It is with great concern I am to mention to you the extrem misery of the inhabitants of the Leeward Islands, by the French invasion, and since by a terrible Hurricane, that has not left any fruit, or hardly a green leaf on the Island, not a house or a mill is standing without great damage; besides wch. H.M.S. *Winchelsea* and *Child's Play* were at the same time both lost, the last lies now off Palmetto Point, near this place, her men and gunns sav'd, but the hull torn in pieces; The Governour is saving the gunns for to mount on some batteries wch. want them here; This sad hurricane was on Aug. 29, and is indeed a greater calamity than the invasion by the French, *etc.* The Islands in generall are tollerably healthy having only a small aguish distemper among them, since the hurricane, of wch. few or none die; the most considerable persons lately dead are President Burt of Nevis, and Jno. Hackshaw, one of the Gentlemen nam'd in the Commission for this Island; Col. Burt is not much lamented, his indifferent behaviour when the French visited that Island being still remembred against him; there being no minister on that Island nor has been for some time, he was buried as all others there are, without any ceremony

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over their grave, *etc.* P.S.—St. Thomas's has, if possible, suffer'd more by the Hurricane than these Islands, Saba and Statia (Dutch Islands) equall with these; Curaçao has felt a little; Guardalupa has likewise suffer'd; Martinique not at all; what other Islands have done, as yet I've not learn'd, but where it has come, it has destroy'd everything to that degree that many good Families have not had bread, other than potatoes and cassadoe to eat for many days; all sorts of provisions are upon this occasion at greater rates than ever. I left Mr. Rhodes well at Nevis. *Signed*, N. Estwick. *Endorsed*, Recd. Jan. 23, Read Feb. 12, 1707. 4 pp. [C.O. 152, 7. No. 36; and 153, 10. pp. 120–123.]

Nov. 18.
Antigua.

1201. Governor Parke to the Council of Trade and Plantations. Since the packet sayled I had occasion to send up a Flag of Truce to Martinique with some prisoners taken by a privateer (for I have noe man of warr attending my Government). Before the Gentleman I sent up could gett his dispatch and the prisoners they were to send me, arrived Monsieur Du Cass, which was on the 11th inst. with 10 men of warr (8 of which are from 70 to 86 gunns), and severall large privateers. They were all very full of men. They have boates that rowe with 36 oares; and at Martinique they have fitted up severall large flatt bottom boates for landing men. The Gentleman and those that belonged to my Flag of Truce were ordered to go on board their sloop, which they did and in the night came away, and brought me the news, but meeting with calms it was the 16th at night before I had the news. The Gentleman tells me, he saw M. Du Cass, and knows him. And was told (before he was ordered off) there was 18 men of warr more expected, and that they designed to attack Barbadoes. Monsieur Collet, then Intendant at Martinique, went on board a fourty gun ship, and sayled, as he believes, to Tobago to give an account of the 18 men of warr that are to renvour there. Since I had the news, our privateer took four more French prisoners that came out of Martinique before the arrivall of Du Cass. They told us (without being told of Du Cass's arrivall) they expected M. Du Cass with 30 men of warr and forces to attack Barbadoes. I presently hired a sloop to give them notice at Barbadoes, but as she was going out the *Greenwich* appeared, that belongs to Barbadoes, which made me stopp the sloop, and sent my letters to the Captain of the *Greenwich*, who has promised to carry them directly to Barbadoes. I have hired another sloop (for which I am to pay myself 100*l.* sterl. except the Assembly of Jamaica, or the Queen will pay it), to carry the same to Jamaica, by whom I have sent this, in hopes to find the packett not sayled. I have ordered the Master to putt a letter on shoare at Curassaw, to informe the Governor. I have sent to each Island in my Government to putt themselves in the best posture they are able. This being the windermost, best and richest Island, 'tis most likely they will attack this first. I am very busy in preparing to receive them. God send us well ridd of them, for wee are but in an ill condition to receive

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them. The Regiment sent me wants near 200 men of its complement, the men new raised, and not disciplined, great part wants armes. They expected, it seems, to find them here to receive them from those of Col. Wetham's, but the officers of that Regiment tooke care they should be mistaken. So that if the Queen had not sent armes for the inhabitants, great part of which I was forced to distribute to the soldiers, or they must have been without armes. Col. Lillingston and severall of his officers are taking their pleasure in London. I have but one Captain here that has ever seen any service, and very few of the Lieutenants or Ensignes. The recruits sent over are either old men or boyes fitt for nothing. Some so bad, the officers were so ashamed of as to discharge, and being not fitt for labour, are actually begging. The greatest service I expect is from the planters, they are good men, but there are but few of them. I am riteing up the walls at Monk's Hill thrown down by the Hurricane. The good news of the Duke of Savoy's being in France made the Islanders believe they should hear of noe more French Fleets in this part of the world. All my Rhetorick could not perswade them to be at the charge untill this allarme. I am allso fortifying a Camp, and running a line about our Towne. I will do what I can, and though I cannot work miracles, I hope I shall do my duty. I have noebody to assist me, noe ingineer. All my hopes is, they will attack Barbadoes first, and that they will loose so many men there, and their men so disheartened by their being beaten from thence, that I may deal with them when they come here. *P.S.*—I begg leave to putt your Lordships in mind of my request in my two last letters. I hope your Lordships will get me some consolation for all my fatigue, and loss by the Hurricane. *Signed*, Daniel Parke. *Endorsed*, Recd. 23rd, Read 26th Jan., 170 $\frac{1}{2}$. 8 pp. [*C.O.* 152, 7. No. 33; and 153, 10. pp. 105–109.]

Nov. 19.
Whitehall.

1202. Council of Trade and Plantations to the House of Commons. Report upon the State and Trade of the Plantations, as ordered Nov. 14. [*C.O.* 389, 19. pp. 181–298.]

Nov. 20.
Kensington.

1203. Circular letter to H.M. Governors of Plantations. Members of Council persisting in absenting themselves are to be suspended till H.M. further pleasure be known etc. (as Oct. 23). *Countersigned*, Sunderland. [*C.O.* 5, 210. pp. 70–72; and 319, 1. pp. 169, 170.]

Nov. 20.

1204. Order of House of Lords. The Council of Trade and Plantations are to lay before the Committee appointed to consider the petition of Jamaica merchants, the account given them by Mr. Wood [see Nov. 17]. *Signed*, Math. Johnson, Cler. Parliament. *Endorsed*, Recd. Read Nov. 21, 1707. $\frac{1}{2}$ p. [*C.O.* 137, 7. No. 65; and 138, 12. p. 170.]

Nov. 21.
Whitehall.

1205. Council of Trade and Plantations to the Committee of the House of Lords. *Reply to preceding*. *Quote Governor*

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Handasyd, Aug. 29, and Mr. Burchett, Oct. 27, and interview with Jamaica Merchants *as given B. of T. Journal*, Nov. 7, 1707, *q.v.*, and their Memorial, Nov. 17. *Concludes*.—The said Merchants added in discourse that they were in dayly expectation of a Representation from the whole Island, which would be more particular in relation to the said Commodore Kerr's behaviour than anything yet offered on that subject. [*C.O.* 138, 12. *pp.* 171–179.]

Nov. 21. **1206.** Mr. Savage to Mr. Popple, jr. Desires copies of
Customs- Report to House of Commons (Nov. 19) and report to the Council
house, Board about a year since, touching Newfoundland Trade. [*C.O.*
London. 389, 19. *pp.* 310, 311.]

Nov. 24. **1207.** Mr. Popple to Mr. Savage. Reply to preceding. The
Whitehall. Report referred to is very large and the Clerks in this Office wholly
taken up with business that requires dispatch. *Proposes* that
he send a clerk to copy *etc.* [*C.O.* 389, 19. *pp.* 311, 312.]

Nov. 25. **1208.** Sir Tho. Day to Mr. Popple. Encloses following to
be forwarded to the Governor of Bermuda *etc.* *Signed*, Tho.
Day. *Endorsed*, Recd. Read Nov. 28, 1707. *Holograph.*
Addressed. Sealed. ¼ p. Enclosed,

1208. i. Lord High Treasurer to Lt. Governor Bennett. You
are to inform me of the whole business concerning
the house said to have been built by Samuel Day on
a piece of waste ground in Bermudas, while Lt. Governor
there, and whether you have any objection to H.M.
granting to his father, Sir Tho. Day, her title to that
ground. In the meantime, all proceedings are to be
stayed *etc.* Whitehall, July 31st. *Signed*, Godolphin.
Copy. 1 p. [*C.O.* 37, 8. *Nos.* 42, 42.i.]

Nov. 27. **1209.** Council of Trade and Plantations to the House of
Whitehall. Lords. Report upon Trade, *as ordered* Nov. 12. [*C.O.* 389, 19.
pp. 319–528.]

Nov. 28. **1210.** W. Popple, jr., to Lt. Governor Bennett. Encloses
Whitehall. letter from the Lord High Treasurer [Nov. 25], and requests
a copy of his reply *etc.* [*C.O.* 38, 6. *pp.* 316, 317.]

Nov. 28. **1211.** Commodore Underdown to the Council of Trade and
Falkland, Plantations. We this day arriv'd [*from Newfoundland*] wth.
in Plymouth. 21 sayle of ye Trade, have been wanting from ye land 36 days.
Signed, Jon. Underdown. *Endorsed*, Recd. 1st, Read 30th Dec.,
1707. *Addressed.* "On Her Maj. Service." 1 *p.* *Enclosed,*

1211. i. Reply to Enquiries relating to the trade and fishery of
Newfoundland, 1707. [*See No.* 771.i.] (*iii*) There remain
this winter masters 176, women 164, children 284,
servants 990, which is considerable less than was last
winter; several of ye principal inhabitants being come
over this fall to England. Their manner of liveing

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and trade is wholly by ye Fishery, they having no other employment, except at Bonavist, where in the winter they go a furring; they catch there fish in shallops of 3 men to a boat, wch. they build in ye spring, and in ye winter employ themselves in fetching of wood. (iv) It is, and has always been ye practice of fishing-ships and the inhabitants, to rind ye trees for covering of their stages, cook-rooms, and dwelling-houses, and to cut down wood for the same, nor have I observ'd this year that any trees have been rinded, or woods cut down, more than for their necessary uses. (v) Upon my arrival this year, the Inhabitants made several complaints to me of ye fishing-ships takeing from them their roomes, which were theirs before 1685, whereupon I appointed ye Admirall of the Harbour and several Masters of ships and ancient Inhabitants to survey the Harbour, and found ye Planters' complaint to be frivolous, and that themselves had engrossed several roomes, wch. were made plainly appear to belong to fishing-ships, whom I put in possession of ye same. (vi) It has appear'd to me this year that ye Inhabitants kept possession of some stages built upon fishing ships' roomes, wch. ye fishing ships upon their arrival were put in possession of. (vii) The fishing ships and byboat-keepers do (by the best inquiry I could make) bring with them their due proportion of fresh or green men; and what men the inhabitants keep are generally such, but few or no fishing ships produce any such certificates as required. (viii) I have had no complaint of this kind, nor do hear that such abuse has at any time been committed. (ix) I do not find that there has been any abuse in this particular, but that on the contrary they are very careful not to give any annoyance or hindrance to each other. (x) I do not find that the ships frequenting Newfoundland do, during their stay there, or at their departure, comitt any spoil upon the stages, cook rooms, etc., but the inhabitants are guilty of burning the flakes in the winter for firewood, for upon my arrival this spring, there was not a flake of last year's standing, and a great many of the stages were destroy'd, wch. upon enquiry the inhabitants did aleadge were, upon the breaking up the ice thrown down, and carry'd away, wch. I am well inform'd is often done, tho they are frequently guilty of destroying and pulling them down themselves, but not so much as formerly, having been frequently check't for the same, so that the fishing ships upon their arrival are wholly taken up in building their stages, flakes, etc., to their great hindrance and loss of time, which I take to be a great detriment to the fishery, and ought by some means to be restrained. (xi) There has been no complaint to me, nor did I hear of any abuse relateing to this head. (xii) The Admirals,

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Vice Admirals etc., of the Harbours are very negligent in putting in execution the rules and orders of the Act, and I am of the opinion that few or none of them do keep any journal or account of the number of ships, boats, etc., except when called upon to give in the said accounts to the Commander in Chief. (xiii) The Admirals of the Harbours do determine such differences as are brought before them, and the parties when aggrieved by their determination, do appeal to ye Commanders of H.M. ships of warr for a finall determination. (xiv) No abuse of this kind has been committed in any Harbour this year, haveing taken care to give the necessary directions for preventing the same. (xv) The Lord's Day is strictly and decently observed, haveing upon my first arrival this year given directions to all ye Publick Houses not to entertain any seamen or fishermen on that day, and constantly sending an officer about the Harbour, to see ye same observed. (xvi) None in the places belonging to Great Britain. (xviii) No abuse of this kind has come to my knowledge, their interest obligeing them to the well salting, cureing and ordering their fish, for the better sale thereof. (xix) There is no complaint of this kind, but all possible care is taken to lay their offal in such places in or near the water, as to give no annoyance. (xx) The sustenance they receive from the country is very inconsiderable, nor do I learn that the furring trade is carried on anywhere but by the inhabitants at Bonavist, who I beleive are now much discouraged, being met with last winter by ye enemy, who distroy'd and cary'd most of them off to Placentia. (xxi) They have their provissions from England and Ireland, but mostly from New England, their salt from Portugal, and all other necessarys, as cloath, netts, tackle, etc., relateing to their fishery, from Great Britain and Ireland. (xxii) No wine, nor brandy, is brought thither from New England, but great quantity of rum, with which ye Fishermen who are servants do debauch themselves, they buying it from their masters at high rates, especially in the winter ; whereby they generally run out the greatest part of their yeare's wages, wch. is considerable, from 20*l.* a year, which in a great measure is the reason that they still remain servants. (xxiii) The ships from Portugal generally bring wine, oyle, linnen cloath, and great quantitys of salt, which is all the European comodities brought thither except from Great Britain and Ireland. (xxiv) Those comodities this year have been wholly dispos'd of to the fishermen, seamen and inhabitants, I haveing taken all possible care that no trade should be driven by selling any of those comodities to the ships belonging to New England, or any other Plantations. (xxv) There is rum, molosses

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and sugar in great quantitys, and tobaccoe brought thither from the West Indies, and New England this year, which I beleive is wholly expended in the Country, for I could not learn that any was ship'd off for Spain, Portugall or any other Forreign parts. (xxvi) The number of inhabitants' boats are 217, the men employ'd in the boats and fishery, 1170, the fish taken by them this year is 60,712 quintals of dry fish, the rates of fish both of the inhabitants and those from England, is generally the same. (xxvii) The number of fishing ships in the country this year is 70, the boats employ'd by them is 196, there burthen from 60 to 300 tuns, mann'd from 12 to 40 men; the fish taken by them this year is 49,570 quintals of dry fish; they catch their fish in the same manner as the inhabitants; the charge of catching and curing their fish is as follows:—the charge of one boat, sails, masts, etc., fishing tackle, six men's wages, and victuals, and all other charges, salt excepted, is 176*l.* 0*s.*, one hhd. of salt will cure 10 quintalls of fish, and is generally sold from 1 to 2 quintales per hhd. (xxviii) The value of fish this year has been from 29 to 32 ryals per quintal, and oyle at 16*l.* per tun, the fish is carayed generally to Portugall, Leghorne and to those parts of Spain with whom we have commerce, and ye refuse which is always sold at half price to the West Indies, the oyle for Great Britain. (xxix) There has been in the Country this year 30 sack-ships, laden wth. dry fish, and bound to the marketts aforesaid. (xxx) I do not find that any men are encouraged to stay behind by the Masters of the ships, nor have I had any complaint this year that any do stay behind. (xxxi) There has been no inhabitants of New England fishing upon the Newfoundland coast this year, except two boats kept by a brigantine at Ferryland, as to ye Fishery on their own coast I have not been inform'd of. (xxxii) The French about Placentia have great plenty of furs, but (as I am informed) are not so industrious as the English, in catching them. The management of their fishery at Placentia and the neighbouring harbours is carry'd on by fishing-ships, sack-ships, by boats and Planters, as ours is. The number of the ships there, according to ye best information I could gain this year was about 60, from 6 to 24 guns; who kept 540 boats. The manner of their fishing the same with our own; their boats they bring from France with them. But their fishery to ye No'ward is very great, their harbours many and very comodious for the fishing trade; myself having been this year on an expedition in those parts, and in several of their harbours, of wch. I have already acquainted your Lordships at large. Their fishery there is carry'd on by fishing-ships and sack-ships;

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their being no inhabitants. State of the French fishery in those parts annexed, by Masters of ships, whom I took prisoners. (xxxiii) The number of inhabitants at Great and Little Placentia, residing last winter was about 400, and as for the other parts thereabouts, I could get no information. They have no dependance upon ye produce of the country, nor follow any husbandry, but they rely wholly upon what is brought them from Europe. (xxxiv) I cannot inform myself that they are of any other use than for the better security of their fishery ; they imploy themselves in the winter in disturbing of our settlements. (xxxv) I cannot get any true account of what fish is taken by them, nor of the price at Placentia, but as to the charge of catching and curing tis something less than ours, ye men's wages being less and living harder ; but as to their fishery to the No'ward you will observe the quantity of fish that they have taken by the foregoing scheme ; and their wages in general about 200 livres a man for the voyage. (xxxvi) They come to Placentia and ye adjacent parts sooner than we, and depart sooner ; but to the No'ward they seldome arrive till the latter end of May, and compleat their fishing there in six weeks or two months' time, and consequently get a great deal sooner to their marketts, as France, Spain and Italy. (xxxvii) The French fishery does to all appearance yearly encrease, which I can impute to nothing but the good and comodious places they have for fishing, especially to the No'ward, where they never have been disturbed before this year, but in what proportion can give no account. (xxxviii) They have no places of strength except at Placentia, where they have two forts, one at the entrance of the harbour close by the waterside, of 36 guns, another on the top of ye hill, of 15 guns ; they have three companies of foot soldiers of 50 in a Company ; their ammunition and victuals yearly from France in store ships and sometimes victuals from Canada. (xxxix) By reduceing the country, which in time will prove difficult, they being this summer building a wall round the lower fort, 11 ft. thick. (xl) There are no foreigners fish on the coast. (xli) A great many French ships yearly fish upon the Banks, mann'd from 18 to 30 men, but of no force ; of their trade from ye coast of Canada I can get no account. (xlii) None, besides the French, and a few Biscayers. *Answer to Additional Instructions.* The inhabitants in general have not that due regard to the several regulations, more particularly that of pulling down and destroying their stages, flakes, etc., which are generally destroyed after the ships are sail'd out of the country, nor can I conceive how the same may be prevented, there being no penalty by ye Act

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on the offenders, nor any person appointed to take cognizance of ye same. They are not guilty of rinding ye trees as formerly, making use of no more than for their necessary uses as stages, cook-rooms etc. The Admirals are remiss in keeping their Journals, *etc. as above*, and Masters of ships very negligent in bringing their certificates, as directed, from England. And my opinion is that to oblige them to a due performance of the same, ye former should be excluded the priviledges they enjoy by the Act for their encouragement, and the latter to be excluded ye fishery. The vessels from New England do bring provissions to the country and quantitys of live cattle early in the spring, wch. is all the supply of that nature they receive, and I humbly conceive that it is rather an encouragement than an abuse to the trade, they being sometimes in ye spring in great want. I do not find now that ye New England traders do make it their bussiness (as I have been inform'd they have formerly done) to remain in the country after the men of warr are sail'd, except such as arrive late in the fall, whose bussiness obliges them to stay longer. I caused them to make oath before me, that they should carry with them no handicraftmen or seamen, which they brought not into the country; wch. has in a great measure put a stopp to that abuse. Nor do I find that Masters of ships have left any of their men behind this year. European comodities are brought thither from Portugal, as wines, oyle, brandy and linnen cloth. But I have not observed this year that any great quantitys have been brought to create any considerable illegal trade, nor can I conceive how the same may be restrained except by a proper officer appointed to inspect and regulate the same. And under this head lyes the greatest abuse of the trade of this land, as I informed your Lordships last year. 40 pp.

1211. ii. State of the French Fishery in the North parts of Newfoundland, 1707. 21 ships. Details of catch and tunnage; bound chiefly to Marseilles. 1 p.

1211. iii. Account of the Trade and Fishery of Newfoundland, 1707.

		<i>Totals.</i>
Fishing ships	70	116
Ships from America	16	
Sack ships	30	
Men belonging to the ships		2052
Fishing ships' boats	196	453
Inhabitants' boats	217	
By-boats	40	
Men belonging to the boats		2513
Fish made by fishing ships' boats .. .	49570	quintals 120682
Fish made by inhabitants' boats .. .	60712	
Fish made by by-boats	10400	

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	<i>Totals.</i>
Salmon taken.	163
Fish carried to market	120682
Train made by fishing ships . . .	827
Train made by inhabitants' boats . .	946
Train made by by-boats	197
Stages	212
1 p. <i>The whole endorsed as letter.</i>	
1211. iv. Survey of the provisions at St. Johns, June 28, 1707. <i>Endorsed as preceding.</i> 1½ pp.	
1211. v. Survey of the Stores of War at St. Johns, Oct. 7, 1707. <i>Same endorsement.</i> 2 pp.	
1211. vi. Muster-Roll of the Garrison at St. Johns, July 25, 1707. <i>Same endorsement.</i> 1 p. [C.O. 194, 4. Nos. 35, 35.i-vi.; and (enclosures i.-iii. only) 195, 4. pp. 395-424.]	

Nov. 28. **1212.** W. Popple, jr., to Mr. Savage. The merchants agree with the proposed admeasurement of ships in Virginia [Nov. 12], onely that they insist upon having the ships measured from inside to inside. I am therefore to desire of you, why the Commissioners of Customs propose that they be measured from out to out. The sooner I have your answer, the greater will be the obligation, *etc.* [C.O. 5, 1362. p. 268.]

Nov. 29. **1213.** Governor Lord Cornbury to the Council of Trade and Plantations. By my letter of Oct. 14, I gave your Lordships an account of my voyage to Albany, from whence I returned to this place on the 12th, on the 16th I went to Amboy to meet the Assembly, which stood adjourned to that [day], the next day after, severall of the Members of the Assembly and some of the Gentlemen of the Councill came to towne, but there was not a sufficient number to make a House till the 23rd, at which time I sent for them and acquainted them what I thought was proper for them to proceed upon at that time, withall [telling] them that if anything else occur'd to their thoughts fit to be provided for by a Law, they should always find me ready to receive anything that might be for the service of the Queen, and the good and welfare of the country, and I carefully avoided taking notice to them of their irregularitys the Sessions before, because I would not give them the least pretence to be ill-humour'd, but it seems they were resolved upon that beforehand, for Mr. Morris, and Samuel Jenings, the Speaker, had been very busy during the recess, which was from May to [Oct.], to perswade severall of the Members of the House not to grant any Revenue, wh[at] effect their indeavours have had, your Lordships will perceive by their votes of Oct. 27. *Copy enclosed.* I did intend to have sent your Lordships a copy of their Journall, but the Clerk could not get them ready yet, but I shall certainly send it by the mast fleet, which is to sail from Boston about the middle of January; I don't know that they pretend to complain of any grievances but those contained

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in a Remonstrance, which they thought fit to give me at their first Sessions at Burlington, to which I made an answer, both which I sent to your Lordships, and which I had communicated to the Gentlemen of H.M. Council, who approved of it, before I gave it to the Assembly, when I put an end to the Sessions in May last, before I dismissed the Council I desired those Gentlemen to inquire in the severall countys where they dwell, what grievanc[es] (if any) the people complained of, and to let me know them, that if in my power they might be redressed, at our meeting at Amboy in Oct., I asked them if they had inquired according to my desire, they told me they had, and that the only complaint they met with in the Country was, that some Laws were wanting which would [be] of use to the Country, that I have at the begining of every Sessions recomended to the Assembly the passing such Laws will appear by their own Journall, therefore I ho[pe] I shall not be blamed for what is not in my power to remedy. Upon this occasion give me leave to observe, that their refusing to settle a Revenue upon H.M., does not proceed from the want of redresse of grievances soe much as from their own ill natures, for it appears by their own vote, that if all their imaginary grievances were redressed, they would raise a Revenue but for one year, though I had by your Lordships' commands demanded it for 21 years. It is very plain to me that as long as H.M. is pleased to allow the Quakers to sit in the Assembly of that Province, noe Revenue will be settled, I can prove by severall good witnesses that severall of the topping Quakers, and perticularly Samuell Jennings, have frequently said that [since] the Queen would have the Gouvernment, she might send a Gouvernor when she pleased, they would keep him poor enough, and indeed they will make their words good, for I have now made three journeys into New Jersey since the Act which granted a Revenue for two y[ears] is expired, and those journeys are generally pretty chargeable. Your Lordships were pleased to direct me not to intermeddle with the quallifications of the Members of the [Assembly, which] Orders I have punctually observed, but now I am obliged to acquaint your Lordships that unlesse some method is prescribed to inquire into the quallifications of Members returned to serve in Generall Assembly, the Queen's Additional Instruction to me will be of noe effect, because as this House is quallified, the Ringleaders among them dont inquire if the other Members are quallified according to the Queen's Instructions, but whether they will join with them in refusing to give a Revenue, if so, then noe matter whether they are quallified according to the Queen's Instructions or not, the Queen is pleased to direct that noe person shall be capable of being chosen and afterwards of sitting as a Member of the Assembly of New Jersey, but such as have 1,000 acres of land in their own right, or are worth 500*l.*; now to my certain knowledge some have sat these last two Sessions's, who have noe land in New Jersey in their own right, and are not worth near 500*l.*, but because they were zealous in opposing the setling a Revenue, were very good Members, therefore I

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humbly conceive that it will be necessary that some method may be appointed to inquire into the qualifications of Members to be returned to serve in Generall Assembly in the Province of New Jersey, but this and the method of doing it I humbly submit to your Lordships' better judgments. There is one thing more which I beg your directions in, which is this, Mr. Byerley in this Province of New York, and Mr. Moore, a Minister in the Province of New Jersey, have lately set up a notion, that if I send any order from New York into New Jersey relating to the affairs of New Jersey, it is of noe force and ought not to be obeyed because it is given at New York, and soe the like of any order given at New Jersey relating to New York, now if it be H.M. pleasure that it should be soe, I am well satisfied, but give me leave to say it will sometimes interrupt businesse; for if I am at Burlington, and the Gentlemen of the Councill of New York sent to me for any directions upon any accident that may happen, I must return into the Province of New York (which is between 50 and 60 miles) to return an answer that may be of force, on the other side if I am at Albany and the Lieut. Gouvernor sends to me upon any occasion in which he has a mind to have directions from me, I must come 150 miles into New Jersey to give an answer that may be of force, and indeed I cannot see what inconveniency can attend the giving orders in one Province, and sending them into another, however I intreat I may have your Lordships' directions in this matter, that I may conform myself to them; I have adjourned the Assembly of New Jersey to April 2 next, I will farther adjourn them, unlesse I have the happinesse to hear from your Lordships before that time. I have not received one letter from your Lordships now near twelve months, I could wish I had directions concerning the Union, which I hear is proclaimed in the West Indies, but I have noe orders yet, which makes me a little uneasy for fear any Scotch vessell should come in, as soon as I receive them they shall be punctually obey'd. *P.S.*—Just as I was going to seale up this letter, a Gentleman just come from Connecticut informs me that Col. Winthroppe is dead, and that the people have chosen Mr. Saltonstall, who was Minister at New London, to be their Gouvernor. *Signed, Cornbury. Endorsed, Reed. May 26, Read June 2, 1708. Holograph. Edges rubbed. 2 pp. Enclosed,*

1213. i. Resolution of the Assembly of New Jersey, Oct. 27, 1707. This House will not raise any money until H.E. consents to redress ye grievances of ye Country, wch. if he does, then this House has resolved to raise 1,500*l.* for the support of the Government for one year. Resolved *nemine contradicente. Endorsed as preceding. 1 p. [C.O. 5, 970. Nos. 52, 52.i.; and (without enclosure) 5, 994A. pp. 407-412.]*

Dec. 2. **1214.** Mr. Secretary Harley to the Council of Trade and
Whitehall. Plantations. I am commanded by H.M. to send you the enclosed

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Address that you may give the necessary directions, *etc.* *Signed*, Robert Harley. *Annexed*,

1214. i. Resolution of the House of Commons. Dec. 1. That an humble Address be presented to H.M. that such Representations as have been presented to H.M. by the Council of Trade relating to convoys and cruizers for the last year, may be layd before this House. [*C.O.* 389, 20. *p.* 4.]

Dec. 2.
London.

1215. Mr. Way and others to the Council of Trade and Plantations. Recommend Robert Hotchkyn, Attorney General of Jamaica, and possessed of a very plentiful and clear estate there, to fill a vacancy in the Council. *Signed*, Benj. Way, John Heathcote, Ja. Whitechurch, Samuel Jones. *Endorsed*, Reed. Read Dec. 3, 1707. $\frac{1}{2}$ *p.* [*C.O.* 137, 7. *No.* 67; and 138, 12. *p.* 183.]

Dec. 2.
Custom-house,
London.

1216. Mr. Savage to Mr. Popple, jr. Reply to Nov. 28. The reason why the Commissrs. of the Customes proposed the admeasuremt. from out to out was because it was found that the taking the breadth from inside to inside did in the operation fall considerably short of the reall burthen, or tonnage of the ship, and that the breadth from out to out came nearest to the shipwright's rule, being rather short then over. To which, the merchts. cheif objection seem'd to be, that the shipp's must be laid on ground in order to be admeasured, and that there is no place in Virginia for that purpose, for which cause only the Commrs. departed from the shipwright's rule. *Signed*, Richd. Savage. *Endorsed*, Reed. Read Dec. 3, 1707. *Addressed*. $\frac{1}{2}$ *p.* [*C.O.* 5, 1315. *No.* 75; and 5, 1362. *pp.* 268, 269.]

Dec. 3.
Whitehall.

1217. W. Popple, jr., to Micajah Perry. Encloses preceding. Unless you and the other gentlemen concern'd have anything further to offer upon this head, the Council of Trade and Plantations concur that this is the proper rule to be followed. [*C.O.* 5, 1362. *p.* 269.]

Dec. 3.
Custom house,
London.

1218. Mr. Savage to Mr. Popple. *Encloses following*, "in order to the allowance of the premiums" *etc.* *Signed*, Richd. Savage. *Endorsed*, Reed. Read Dec. 4, 1707. *Addressed*. $\frac{1}{2}$ *p.* *Enclosed*,

1218. i. Naval Stores from the Plantations that have received certificates of their goodness from the commencement of the Act 3 and 4 Anne to Nov. 29, 1707. Tarr, 588 tons; pitch, 643 tons; rozen, 11 tons; turpentine, 117 tons. 1 *p.* [*C.O.* 323, 6. *Nos.* 48, 48.i.; and 324, 9. *pp.* 152, 153.]

Dec. 3.
Whitehall.

1219. Council of Trade and Plantations to the Earl of Sunderland. Enclose following to be laid before H.M. in Council.

1219. i. Council of Trade and Plantations to the Queen. *Refer* to Representation of June 9 and Order of July 21

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thereupon, *and propose* that the Act of Jamaica to *provide an additional subsistence for H.M. Officers and Soldiers, etc.* be now repealed. [C.O. 138, 12. pp. 180, 181.]

Dec. 4.
Whitehall.

1220. Council of Trade and Plantations to the Earl of Sunderland. Col. Henry Lowe having communicated to us a copy of H.M. lycence for his absence from Jamaica for one year from Nov. 1, we take leave to inform your Lordship that Col. Handasyd having writ to us that by the absence of Col. Long and Col. Lowe, which last he says had been above three years from Jamaica, and by the death of Charles Sadler, he found it difficult upon many occasions to get a quorum of the Council, and therefore desiring that others might be put into their places, that H.M. affairs might not suffer for want of a sufficient number of Councillors, We immediatly made enquiry concerning the stay of the said Lowe and Long in this Kingdom, and were informed that they intended to return by the ships, but were surprized to find that since our making the enquiry Col. Lowe has obtained the above said lycence, and we wish it had been communicated to us, as has always been done in like cases, before H.M. had signed the same, for then we should have acquainted your Lordship with the true state of that affair, and with the ill consequence that may happen from the granting of such lycences, especially where the person desiring the same has been so long absent, for by means of these lycences the Council still may appear to be full, tho there be not Members enough upon the place to make a Quorum when H.M. requires it. For prevention whereof we prepared circular letters which were sent your Lordship Oct. 23 last for H.M. Royall signature to all the Governors in America. And upon this occasion we must remind your Lordship of those letters that they may be dispatched to be sent by the Fleet which now onely stays for a fair winde. [C.O. 138, 12. pp. 184-186.]

Dec. 4.

1221. Merchants trading to Jamaica to the Council of Trade and Plantations. Memorial upon Sir Wm. Hodges' petition for passes for ships to carry on a trade between Cadiz and the Honduras. To grant the pass desired is to put our enemies in much better state then H.M. subjects from Jamaica driving a constant trade to the same place, *etc.* Signed, Benj. Way and 11 others. [C.O. 389, 20. pp. 5, 6.]

Dec. 4.
Whitehall.

1222. Council of Trade and Plantations to the House of Commons. *Reply to Order of Dec. 2.* Report, embodying representations relating to cruisers and convoys made during the last year. [C.O. 389, 20. pp. 7-27.]

Dec. 5.

1223. Governor Handasyd to the Council of Trade and Plantations. I am by this packett favoured with two duplicates of your Lordships', one of June 26, the other of July 31, *etc.*, and from the Earl of Sunderland H.M. letter to the Assembly in relation to the Quartering Act. The Assembly is to meett the

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29th inst., at which time I shall lay it before them, in hopes they may have more regard to it than they have had, but I am very apprehensive they will act little better than their former proceedings. The squadron under Commadore Wager sailed to the Spanish coast Nov. 27, on a designe to intercept the Galleons. H.M.S. *Margarett* and *Sheerness* (*Hector*) with a fire-ship are arrived here as convoy to three store-ships and a merchant ship; The men of war and fire-ship are sailed with Commadore Wager to the Spanish coast, where if he finds no likelihood of the Galleons coming out, will dispatch them to the Windward Islands, as directed. I have put on board the men of war about 200 men of H.M. Regiment under my command to help to man them, 7 trading sloops with the English manufactures are sailed out to the Spanish coast with the men of warr to the value of 100,000*l.* ster*l.* in hopes to recover the trade. I wish they may meet with a good markt, which will in some measure encourage them again. Mr. Wager has assured me he will send two men of war with them to protect them from the French privateers, who are come down in great numbers on these coasts from Martineco. I hope care will be taken to send the 300 recruits over, which I hear are raised, for fear we should have more than ordinary occasion for them. H.M. ships are in very great want of sailors, having lost a great many since their arrivall here, tho' not so many as usuall. I should be very glad I could have an order not to grant any more Commissions for privateers, they are doing us a great deal of disservice in carrying the men off the Island, of which we are in great want. I gave you an account in my last of the prizes brought in by H.M. men of war; duplicate enclosed. The Grand Court is now sitting, and I hope all the care imaginable is taken that every one has Justice. The Island is at present healthy. We have lately had three shakes, but I thank God they have done no damage. *Encloses Minutes of Councill. P.S.*—Since my writing of this, I received the enclosed advice from Antigua, upon which I immediatly dispatched a vessell to Mr. Wager, who lies to Leeward of Carthagene, about 12 leagues from the shore, to give him an account of it, for fear they should come down upon him, and be too strong for him. I shall let slip no opportunity of putting the Island in the best posture of defence I can, and begg leave to assure your Lops. that the Island of Jamaica shall never be lost, while I am here but with the best part of our lives, if their design should be against us. *etc. Signed, Tho. Handasyd. Endorsed, Recd. 23rd, Read 26th Jan., 1707.*
4 pp. *Enclosed,*

1223. i. Governor Parke to Governor Handasyd. Antigua, Nov. 18, 1707. Announces arrival of M. Du Casse and the French fleet at Martinique, *etc. Signed, Daniell Parke. Endorsed as preceding. Copy. 2 pp.* [C.O. 137, 7. Nos. 72, 72.i.; and (without enclosure) 138, 12. pp. 203–209.]

[Dec. 5.] **1224.** Merchants trading to Virginia and Maryland to the Council of Trade and Plantations. Virginia and Maryland

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have made severall severe Lawes in relation to shiping, wch. lyes before you; and to aggravate ye prejudices of navigation have increased the guage of hhds. and at the same time made ships pay double tonnage, etc. *Signed*, Micajah Perry and 9 others. *Endorsed*, Recd. Read Dec. 5, 1707. 1 p. *Enclosed*,

1224. i. Copy of Act of Maryland, March, 1707, to prevent cropping, cutting and defacing tobacco hhds. taken on board upon freight. 1 p. [C.O. 5, 716. Nos. 34, 34.i.]

Dec. 7.
Barbadoes.

1225. Governor Crowe to the Council of Trade and Plantations. The sundrey encloseds will fully informe your Lordships of our reaysons houely to expeckt the Enimie, and whatt meathuds I have taken to putt this Island into the best posture of defence, thatt want of money, creaditt and the short time will admitt off. I have not been wanting day or night to vew the lynes and forsesse and to give all nesisarey orders. Soe long as I have a drop of blood to loose, your Lordships may depend on the most vigerus resistance thatt can be made with such a devided people, and unexpearianced Malitia. I have raysed a good batrey of 20 gunns on ye Bay near Neadham's Poynte for the better securetye of H.M. ships, and caussed all the trenches to be new scoured, raised battereys on thosse places we apprehend the most danger from, as also on ye passes leading into the cuntrey. All the stores in ye Magazine are destrubuted wheare most wanted, and the little powder thatt's left taken carre off. The field trayne is fitted and ready to march on an alarme. The hurrey thatt your Lordships may belive I am now in, by distributeing of orders, I hope will excuse my not answearing paragraffically your Lordships' last letter of Oct. 30, which I hope to doe to your Lordships' satisfaction per next packett, in the intrime I begg soe much justice from your Lordships that noe false suggestions may have any power of prevaileing with your Lordships against, *Signed*, M. Crowe. *Endorsed*, Recd. 8th, Read 15th March, 1707. *Holograph*. 2 pp. *Enclosed*,

1225. i. Governor Parke to Governor Crowe. Antigua, Nov. 17, 1707. Informs him of the arrival of M. Du Casse at Martinique with ships and men etc. *Endorsed*, Recd. March 8, 1707. *Copy*. 2 pp.

1225. ii. Copy of Governor Crowe's Proclamation, Nov. 26, 1707, requiring all persons in Barbados to prepare for the defence of the Island. All merchants possessing gunpowder, provisions and war-like stores are to give an account thereof. *Endorsed as preceding*. 1 p.

1225. iii. Copy of Governor Crowe's Proclamation postponing the Grand Sessions from Dec. 9th to June, 1708, owing to the threatened invasion. *Same endorsement*. 1 p.

1225. iv. Copy of Governor Crowe's Proclamation, Dec. 4, 1707. All persons possessed of 40 acres of land shall, upon the alarm given, over and above the number of negros which by the Laws they are obliged to send down on every alarm, send down to their respective divisions for every 40 acres they are soe possessed of,

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one able negro or mallato slave armed with a spear or bill upon a staffe, and all persons possessed of any horse shall immediately upon ye appearance of an enemy send such downe to their respective divisions, to be employed in ye publick service. *Same endorsement.* 1 p.

1225. v. (a) Measures of defence decided upon by Governor Crowe and the Captains of H.M.S. *Greenwich*, *Lynn* and *Deal Castle*. That the ships be haled as near as possible to the shore and unrigged, the lower tier guns brought on shore to form a battery, a regiment of 13 companies be formed out of the sailors, and powder and ammunition be landed and stored in the magazine. Nov. 27, 1707. *Signed*, M. Crowe, Ja. Jesson (Com-madore), Ar. Hamilton, Hen. Blinston. *Subscribed*, (b) Governor Crowe to Capt. Hamilton. Capt. Jesson by his long sickness being so disabled as not now capable of going abroad you, as the next commanding officer, are hereby desired to secure H.M. ships in the Bay in the best manner you judge proper, to command all merchant ships into the stations you judge most proper and to unload such guns, powder and stores as you shall think best *etc.* *Signed*, M. Crowe. *Endorsed as preceding.* Copy. 2 pp.
1225. vi. Copy of Agreement with the Captains of the Indians at St. Vincent's to assist any English ship arriving there and to secure and return any negros running away thither from Barbados. *Signed*, On board H.M.S. *Lynn* at St. Vincent, Oct. 22. 1707. Seven signatures, with Totem Marks, of Carib Chiefs; Malego Bay, Capt. Bugecent, Capt. Sanson; Wilary Bay, Sanson; Valevo Bay, (?) Destee, Capt. Abell; Rebeco Bay, Capt. Nicloa; Marco Bay, Capt. Winiam. Signed in the presence of Henry Blinston, Andrew Barns, Matt. Harman, Wm. Elding. *Same endorsement.* 1 p.
1225. vii. List of Troops in Barbados, 6 regiments of foot numbering 3,062, of whom 1,904 appeared at the review, Sept. 22, 1707, 51 without arms. 3 regiments of horse, numbering 1,050, of whom 858 appeared. *Same endorsement.* 1 p.
1225. viii. Account of Stores in the Magazine. *Signed*, Wm. Lesly, Keeper, Nov. 17, 1707. *Same endorsement.* 2 pp.
1225. ix. Journal of Capt. Davison, of the sloop *Sarah Nicholas*, sent out by Governor Crowe to cruize for intelligence of the enemy's ships, Dec. 2, 1707. Reports several ships standing away to the Southward. *Signed*, Nic. Davison. *Same endorsement.* 1 p.
1225. x. Journal of Capt. Willoughby, of the *Jane* and *Elizabeth*, sent from Barbados to get intelligence of the French fleet at Martinico. Nov. 28—Dec. 5, 1707. Indians at St. Vincent reported 30 to 40 sail at Martinique

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preparing to attack Barbados and Antigua; others, that there were only 9 at Fort Royal. At Fort Royal I could see but one ship and at Fort St. Peers 14 small vessels and two ships *etc.* *Signed*, Thomas Willoughby. *Same endorsement.* 1½ pp.

1225. xi. Minutes of Councils of War held at Barbados 26th, 27th, and 30th Nov., 1707. *Same endorsement.* 10¼ pp.

1225. xii. Minutes of Council of Barbados, Nov. 25, 26, 1707. *Same endorsement.* 2¾ pp.

1225. xiii. Minutes of Council of Barbados, Nov. 27, 1707. *Same endorsement.* 3 pp.

1225. xiv., xv. Minutes of Council of Barbados, Nov. 28th, 29th, 30th, 1707. *Same endorsement.* 4¼ pp.

1225. xvi., xvii. Minutes of Council of Barbados, Dec. 1st and 5th, 1707. *Same endorsement.* 3 pp.

1225. xviii. Journal of Assembly of Barbados, Nov. 25, 1707. *Same endorsement.* 5½ pp. [*C.O.* 28, 11. Nos. 3, 3.i.-xviii.; and (*without enclosures*) 29, 11. pp. 210-216.]

Dec. 10.
Whitehall.

1226. W. Popple, jr., to the Attorney and Solicitor General. The Council of Trade and Plantations having under consideration several Acts past in Virginia, they have commanded me to state the case of one of the said Acts as follows. In 1679 three Acts were sent to the Lord Culpeper under the broad seal of England, in order to be passed into Acts by the Assembly of Virginia. The Assembly passed the said Acts except only that they added two provisoes to the Revenue Act, which is one of the three Acts abovementioned. In Oct., 1680, the said Revenue Act so passed by the Assembly was laid before his then Majesty in Council and was then by an Order in Council, Oct. 14, 1680, confirmed and finally ratified with one of the said provisoes, but by the said Order the proviso *exempting Virginia owners* was disallowed. (*Order quoted. See C.S.P., 1680, No. 1542.*) Notwithstanding the above Order, their Lordships are informed that the said Proviso has constantly been put in execution. They desire your opinion (1) Whether the words of ratification and confirmation of the said Law, in the first part of the Order, are made nul and void by the disallowing and making void the said proviso, as mentioned in the latter part of the said Order. [*C.O.* 5, 1362. pp. 269-271.]

Dec. 10.

1227. Mr. Willcocks to the Council of Trade and Plantations. Reply to Mr. Penn's Answer [Aug. 14] to objections to the Act *directing the qualifications of Magistrates.* (i) It is very plaine that the only pretence made use of for the passing this Act was, that there were not a sufficient number of persons qualified to execute Justice without admitting Quakers to execute Justice amongst them, and that unless they were admitted, there would be a failure of Justice, and the only argument made use of by Mr. Pen to prove it, is that the Quakers are more in number; which may be (which the Replyant doth not admitt) and yett there may be a sufficient number of persons to execute Justice,

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tho' exclusive of the persons called Quakers. But Mr. Pen seems afraid that his friends will be left out of the administration, which he thinks hard, since his friends have been at such expences in improving the Country (for which they are sufficiently rewarded), which he need not be, for this Repliant knows of no attempt that has been made to abridge them of the preivilidges granted them; and therefore they ought to be satisfied with what they have, and not endeavour to graspe at all, for if they should once make the question to be, which should be excluded, there can be no doubt but it would be determined for those who are and have been for many ages established by Law. (ii) The antient practice of this nation has been to determine all controversies both as to men's lives and estates by an oath, and surely there is no reason to alter it only for the sake of a few persons, who are of late against it, and thereby introduce a practice, whereby men may loose both, by only a bare affirmation, which few or none think so valid as an oath, tho' the punishment is ye same. (iii) Tho' the affirmation may be worded alike, yett there is nott so solemn a way prefixt by this pretended Act as here for the takeing of it, and therefore Mr. Pen might have spared that expression of saying that what this Replyant had said concerning it, seemed a reflection on the wisdom of Parliament, unless he had said there was the same way prefixt for the takeing of it too, but that he cunningly passes by. (iv) Mr. Pen hath given no sufficient reason to alter a Law for persons who thinks that an oath is more oblidging then a bare affirmation, unless Mr. Pen hopes that the Quakers being more in number, therefore the others must be devested of their antient native rights, and loose that which has secured to them the enjoyment of their liberties and properties, and be brought into subjection to the humours and new opinion of the Quakers, which surely is too great an attempt for them to hope to succeed. (v) It is very inconsistent that one person should be said to give an oath in a Court, when more persons are required to constitute and make that Court, but if the persons called Quakers haveing now the power in their own hands by this Act, should wholly compose the Court, then there would be a failure of Justice, since they won't give an oath, and many witnesses, denying the obligation of the affirmation, [that] there would be no way left to oblidge men to speake the truth. (vi) Mr. Pen saith that it is presumed that the Quakers hold themselves as firmly bound by an affirmation as by an oath, but doth not so much as aver that they doe; soe if presumption is to determine the difference, it would scarce have an end, for it may as well be presumed that they doe not, as that they do, and the rather since Mr. Pen does not so much as aver that they doe; which he would not have omitted if they had. (vii) The danger is soe great of examineing of witnesses but in open Court, for the reasons before given, that this Replyant shall add no more, but if this way is once introduced no man can have any security for his life or estate, and therefore nothing but the utmost necessity should occasion such a law to be made. *Signed, Geo. Willcocks.*

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Endorsed, Recd. Read Dec. 10, 1707. 3 pp. [C.O. 5, 1264. No. 17.]

Dec. 11.
Whitehall.

1228. Council of Trade and Plantations to Governor Parke. We are very sorry for the loss sustained in the Leeward Islands from the late Hurricane, [see Oct. 8], and we have a due sence of your particular share therein. And that no time may be lost in the doing of what shall be found necessary, we have this day laid before H.M. your said letter *etc.* [C.O. 153, 10. pp. 87, 88.]

Dec. 11.
Whitehall.

1229. Same to the Earl of Sunderland. Enclose Governor Parke's letter of Oct. 8 to be laid before H.M., so as that if possible H.M. pleasure may be signified to Col. Parke by the packet boat now ready to sail. [C.O. 153, 10. pp. 88, 89.]

Dec. 11.

1230. Sir John Bennett to the Council of Trade and Plantations. The matters relateing to Lt. Governor Bennett and Capt. Jones being referred to Samuel Eyres on Councell for Jones and myselfe on the said Governor's behalfe, I did attend Mr. Eyre, who acquainted me Mr. Jones' demands was 4,000*l.* I made severall proposalls; that a purchasor was ready to give him satisfaction for his offices, and that the Governour should make him satisfaction for what he could make out the Governour had received of the profits of his offices; But Mr. Eyres said the difference was so great from their demand that he could say no more till he had acquainted them with the proposalls, and then I should hear further from him. And whilst I waited expecting their answer, on Tuesday last Capt. Jones and his Sollicitor came to me to discourse me about my proposalls. But I find they had before applyed to your Lordships for a report, complaining of my delay whilst they held me in expectation of their answer. *Prays* to be heard by the Board *etc.* Signed, Jo. Bennett. *Endorsed*, Recd. 11th, Read 16th, 1707. 1 p. [C.O. 37, 8. No. 43; and 38, 6. pp. 317-319.]

Dec. 13.
New York.

1231. Mr. Byerley to the Council of Trade and Plantations. I humbly crave leave to lay before your Lordps. an account of severall difficulties and hinderances I meet with in the discharge of my Office, as Collector and Receiver General of this Province by H.M. Letters Pattents. I have heretofore been suspended from my Office, by H.E. the Govr. here, and restor'd by directions from the Lord High Treasurer, yet not so effectually as H.M. service requires. The books and papers, relating to my Office and recognizances given for payment of monys due to H.M. Revenue, being detained from me by Mr. Fauconnier, who acted as Commissioner durement my suspension. And notwithstanding I have been arrived here almost 12 months, he has not been obliged to adjust his accounts, without which I can't perfect mine *etc.* This I have humbly represented to H.E. here, but without success, that gentleman being Navall Officer and Chiefe Manager of affairs here, which are, by him and others

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the chief in the Government, carry'd on contrary to H.M. interest, and whatever is acted to that end, if contrary to theirs, is spurned at and disencouraged; that, in doing my duty, I have been threatned to be murdered, to be pull'd out of the Custom House and to have that pull'd down, and this (tho complained of) is gone unpunished. I have given 2,500*l.* security to H.M., for the due discharge of my Office, and that is well known to H.E., yet H.E. has lately issued his warrant under his own hand and seale, and caused me to be taken by the Sherffe. here, and to give 2,000*l.* security to appear before H.E. and Councill, under pretence I had imbezelled the Queen's mony, and caused the books belonging to my Office to be taken away, which are since restor'd to me, and at my appearance before H.E. and Councill, was told by H.E. that he heard I was running away. These are some of the many indignities and hardships put upon me, in acting for H.M. service, which I shall always endeavour to promote, yet without your Lordships' protection and assistance, it will be extreame difficult. *Prays that if Lord Cornbury complains of him, he may be allowed time to justify himself etc. Signed, T. Byerley. Endorsed, Recd. 12th. Read 15th July, 1708. 2 pp. Enclosed,*

1231. i. Copy of Lord Cornbury's Warrants for the arrest of Thomas Byerley and sealing up the Custom House books *etc.* H.E. was then in New Jersey, *etc.* *Signed, Cornbury. Oct. 27, 1707. Endorsed as preceding. 1½ pp.*
1231. ii. Copies of several petitions of Mr. Byerley to Governor Lord Cornbury, relating to his suspension, *etc.* and Minutes of Council of New York thereon, Feb. 6—July 1, 1707. *Same endorsement. 3½ pp.*
1231. iii. Proclamation by Governor Lord Cornbury, New York, Feb. 6, 1706(7), upon his restoring Thomas Byerley to the office of Collector and Receiver General. *Same endorsement. Printed. 1 p. [C.O. 5, 1049. Nos. 82, 82.i.-iii.; and (without enclosures) 5, 1121. pp. 305-308.]*

Dec. 15.
Whitehall.

1232. The Earl of Sunderland to the Council of Trade and Plantations. H.M. has heard with concern the account of the late losses in the Leeward Islands [Oct. 8]. H.M. has already ordered two frigates to be forthwith sent 'em as Coll. Park has desired for the protection of those Colonys and their trade, and does now desire to know from you what can further be done towards their relief. *Signed, Sunderland. Endorsed, Recd. Read Dec. 18, 1707. 1 p. [C.O. 152, 7. No. 29; and 153, 10. p. 90.]*

Dec. 16.
Crotchett
Fryers.

1233. Mr. Merrett to Mr. Popple. I duely forwarded the letter, committed to my care by their Lordships, by Capt. Peter Chamberlaine, H.M.S. *Advice*, who, 3 or 4 leagues off St. Johns, mett with Capt. Underdowne with the fleet for England, and by him was commanded to returne with him to England, so that not only what letters be carried, but the monye for the Garrison

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and souldiers' cloaths, with the Ingenieer and Gunner are brought backe with him *etc.* *Signed*, Solomon Merrett. *Endorsed*, Reed. Read Dec. 17, 1707. *Addressed*. *Postmark*. $\frac{3}{4}$ p. [C.O. 194, 4. No. 32; and 195, 4. pp. 390, 391.]

Dec. 17.
Whitehall.

1234. Council of Trade and Plantations to the Earl of Sunderland. Report upon Sir Wm. Hodges' petition for passes for some Spanish ships [see Dec. 4]. For some years since there has been a constant trade from Jamaica to Porto Cavallio (Honduras), to which place the Jamaica merchants have sent as much woollen and other Brittish manufactures as that place will take off, by two sloops which make about 8 voyages a year. Our exports would yearly be increas'd, if the merchants had due encouragement. In return they bring back silver, gold, indigo, sasaparilla, hides *etc.* The granting of such a pass as desired would be a great security to our enemies, no advantage to Great Brittain, but a discouragemt. to the fair trader from hence to Jamaica and the Spanish West Indies, *etc.* [C.O. 389, 20. pp. 49-51.]

Dec. 18.
Kensington.

1235. Order of Queen in Council. Col. Tobias Frere is to be restored to his place in the Council of Barbados, with the same precedency he had when he layd it down. *Signed*, John Povey. *Endorsed*, Reed. Read Jan. 12, 1707. $1\frac{1}{2}$ pp. [C.O. 28, 10. No. 53; and 29, 11. pp. 155, 156.]

Dec. 18.
Kensington.

1236. Order of Queen in Council. Appointing Major John Pilgrin [*sic*] to the Council of Barbados. *Signed and endorsed as preceding*. 1 p. [C.O. 28, 10. No. 54; and 29, 11. pp. 157, 158.]

Dec. 18.
Kensington.

1237. Order of Queen in Council. Repealing Act of Jamaica to *provide an additional subsistence etc.* See June 9, and Dec. 3. *Signed*, Chris. Musgrave. *Endorsed*, Reed. Read Dec. 29, 1707. $1\frac{1}{4}$ pp. [C.O. 137, 7. No. 69; and 138, 12. pp. 187-189.]

Dec. 19.
Whitehall.

1238. Council of Trade and Plantations to the Earl of Sunderland. Reply to Dec. 15. Recommend cruisers and supplies to be sent for relief of the Leeward Islands as proposed by the agent. *Set out*, B. of T. *Journal*, Dec. 18, 1707. *Add*; Col. Parke having complained that soldiers had not received any pay since their arrival, the Agent for that Regiment assured us that they received 800*l.* before their going from Ireland, and that he had since remitted to them 2,350*l.*, which, if the Regiment be compleat, would pay them to July last. It is absolutely necessary the said Regiment should be kept compleat, and the absent officers ordered to their respective posts. [C.O. 153, 10. pp. 91-94.]

Dec. 19.
Whitehall.

1239. W. Popple, jr., to the Attorney and Solicitor General. Encloses extract of Lord Culpeper's Commission directing the manner of passing Laws in Virginia, and a similar extract from Governor Hunter's Commission. [See Dec. 10.] [C.O. 5, 1362. p. 272.]

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Dec. 19. **1240.** Mr. Thurston to Mr. Popple. Capts. Underdown and Chamberlain are expected in the River the beginning of next week. Mr. Latham stopt at Exeter in his journey hither *etc.* Signed, J. Thurston. *Endorsed*, Reed. Read Dec. 19, 1707. *Addressed*. 1 p. [C.O. 194, 4. No. 33.]

Dec. 20. **1241.** H.M. Warrant for Tobias Frere to be of the Council of Barbados. *Countersigned*, Sunderland. [C.O. 5, 210. pp. 73, 74.]

Dec. 23. **1242.** Attorney and Solicitor General to the Council of Trade and Plantations. We have considered the manner of passing the Act of Revenue sent to the Lord Culpeper in 1679, *etc.* [see Dec. 10 and 19]. It appears that the method now used in passing Acts for Virginia is extremely different from what it was in 1679. By Lord Culpeper's Commission, the Governor and Council at Virginia are to lay before the King in Council here such Bills as shall be prepared for making new laws for that Colony, in order to have the Sovereign's approbation thereof, and if that be obtained, such Bills are to be transmitted under the Great Seal of England to the Assembly in Virginia, where (if what shall be so transmitted be assented to by the major part of such Assembly) it becomes a law from thenceforth, untill it shall be repealed by the like method and authority. But by the Constitution, which seems now to be established, the General Assembly in Virginia have a liberty of enacting among themselves such laws as they think convenient, and the same are to be looked upon in force, untill the Sovereign, upon a transmission hither, shall disapprove the same, provided the transmission be made within three months after the Act passes in the Assembly of Virginia, for the Sovereign here either to confirm or annul the same. The former of these ways, for enacting new laws, seems to us to be the rule that must govern in the present case concerning the said Act of Revenue, which passed in 1679, under Lord Culpeper's Government, and the method that was then taken for passing that Act appears to be directly opposite to the said method that ought then to have been pursued. For the Bill was originally begun here in England and from thence transmitted, under the Great Seal of England, to the General Assembly in Virginia; there the Bill was not assented to, as it was transmitted, but was returned back with two proviso's added thereunto, which provisos being made part of the said Bill ought regularly to have been wholly approved off, or rejected by King Charles II. But neither one or the other was directly done, for the Bill with one of the provisos was confirmed by the said King, and the other proviso was disallowed of and annulled. We are of opinion that the ratification of the said Act, with one of the proviso's only, did become null and void by the disallowance of the other proviso. If any part of her present Majesty's revenue subsists by the authority of this Act only, we conceive it may be for H.M. service to have a new Bill pass in the General Assembly at Virginia, and be transmitted hither for H.M. approbation, pursuant to

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the method prescribed in Col. Hunter's Commission, which will take away all doubts concerning the collecting and payment of the said revenue. *Signed*, Sim. Harcourt, Ja. Mountague. *Endorsed*, Recd. 30th, Read 31st Dec., 1707. 3 pp. *Enclosed*,

1242. i.-iv. Duplicates of Nos. 1226, 1239. [*C.O.* 5, 1315. Nos. 76, 76.i-iv.; and (without enclosures) 5, 1362. pp. 273, 274.]

Dec. 25. **1243.** Petty Expenses of the Board of Trade, Michaelmas to Christmas, 1707. *See B. of T. Journal*, Jan. 23, 1708. [*C.O.* 388, 76. Nos. 32-34.]

Dec. 29. **1244.** W. Popple, jr., to the Attorney and Solicitor General. Whitehall. Presses for immediate reply to Dec. 10. *See* Dec. 23. [*C.O.* 5, 1362. p. 272.]

Dec. 29. **1245.** W. Popple, jr., to Mr. Wood. The Council of Trade Whitehall. and Plantations desire you to let them know, as soon as possible, the names and the particular limmits within which the Jamaica merchants carry on their trade with the Spaniards in America. [*C.O.* 389, 20. p. 60.]

Dec. 30. **1246.** Council of Trade and Plantations to Governor Whitehall. Handasyd. Enclose Order of Council, Dec. 18, repealing Act for additional subsistence, etc., and H.M. letter, Aug. 2, thereupon; also Circular Letter as to attendance of Counsellors. [*C.O.* 138, 12. pp. 189-191.]

Dec. 30. **1247.** Council of Trade and Plantations to the Earl of Whitehall. Sunderland. Enclose following to be laid before H.M. in Council.
1247. i. Council of Trade and Plantations to the Queen. Report upon the Act of Pennsylvania *directing the qualifications of all Magistrates and Officers, also the manner of giving evidence.* By a clause in the same a Deposition in writing of a person sick or going out of that Province is allowed to be good evidence, which sort of evidence being seldom allowed in your Majesty's Courts of Justice within this Kingdom, even in civil matters, nor even then without observing a much more solemn and safe method for allowing the same, than what is laid down and directed by the said clause; but such paper evidence having with great reason always been disallowed in criminal proceedings, because of the known benefit of cross-examining a witness, who very often by an unexpected question discovers the truth, which might otherwise by secret examination have been concealed, and some time[s] from the manner of delivering his testimony a Jury has not beleived a witness; for these reasons, we are of opinion that no such paper evidence should be allowed in Pensylvania, and therefore do humbly offer that your Majesty be pleased to signify your disapprobation of the said Act. [*C.O.* 5, 1292. pp. 22, 23.]

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Dec. 30.
Whitehall.

1248. Circular Letter from the Council of Trade and Plantations to the Governors of Plantations, enclosing H.M. Instructions relating to the attendance of Councillors (Oct. 23). [*C.O.* 324, 9. p. 154 ; and 153, 10. p. 95.]

Dec. 30.
Whitehall.

1249. Council of Trade and Plantations to the Earl of Sunderland. Enclose Address of Maryland concerning boundaries [Sept. 10] to be laid before H.M. for her pleasure therein. [*C.O.* 5, 727. p. 4.]

Dec. 30.
Jamaica.

1250. Governor Handasyd to the Council of Trade and Plantations. *Acknowledges* letter of Oct. 30. The inclosed will inform your Lops. of M. Du Cass's being arrived in the West Indies, but at what part he is, I cannot at present learn, some say he is not come from Martinique, others say he is at the Havana ; but my opinion is he is at Port Lewis, and if so, he is within 18 hours' sail of us : Upon this intelligence I dispatch'd a sloop to give Mr. Wager advice of it, *etc. as Dec. 5.* He returned into port Dec. 22 with 5 men of war and a fireship, finding by the account that was given him, that the French squadron would be of too great force for him : he was out a month and two days, but met with very bad weather, and had the misfortune to loose the *Margarett* upon the Spanish coast, a ship of 24 guns, but all the men were saved. Mr. Wager, upon his leaving the coast, dispatch'd two men of war to the trading vessells that lie at Porto Bell with one man of war, to give them notice of the arrivall of Monsieur Du Cass, which I beleive will hasten them away and occasion a broken voyage to the traders, they are not yet returned, so can give no account of what success they have had. The galleons are making ready at Carthagene with all speed to go to Porto Bell, as soon as they receive orders from M. Du Cass, who, they say, has brought possitive orders for them, but it is my opinion they will not be able to sail so soon by reason the Plate is not come from Lima ; but the affairs of the Spaniards are so uncertain that there is no giving any true account of them. As to your Lops.' commands to me to give you my opinion in relation to our trade here, one chief reason that it is at present discouraged is, that abundance of our manufactures are sent to Curasao and St. Thomas's, from whence the French and Spaniards are supply'd with them, by which means we loose the opportunity of putting off our other goods, and I could heartily wish there may be a method taken to prevent it. What will in a great measure encourage our trade, will be the ordering two or three ships of war, that are nimble cruisers, to be always upon the coast, to prevent the French from trading and protect us ; and as many more to lie ready carreened in harbour, against their cruize is out, to supply their places : and likewise that the merchants at home do constantly supply us with such goods as are proper for the Trade. I received by the *Kingston* gally 22 recruits, and do wish the rest may come safe. I am of opinion that M. Du Cass's whole business is for the Galleons, without any design to make an attempt against this place, but if he does

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pay us a visitt, I am sure they shall not all go back to tell the news, nor am I in the least apprehensive of his taking Jamaica, for I have been acquainted these 35 or 36 years with the French methods of making attempts and attacks. The Assembly mett yesterday, I can say nothing of them yet, but a short time will discover their tempers. Here has been an imbargo since the 3rd inst., which I beleive will soon be off, when we have heard what way M. Du Cass steers his course. About 14 days ago, here was brought in a small Spanish sloop, taken by a Jamaica privateer, she has some dry goods, but what else I can't tell. The Island is indifferent healthy, here is a distemper that comes with a sore throat, of which some people die. *Signed*, Tho. Handasyd. *Endorsed*, Recd. 8th, Read 15th March, 170 $\frac{7}{8}$. 3 $\frac{1}{2}$ pp. [*C.O.* 137, 7. No. 77; and 138, 12. pp. 230-234.]

Dec. —
(no date).
Antigua.

1251. Governor Parke to the Council of Trade and Plantations. *Encloses* Journal of Council and Assembly up till Oct. 31, and duplicate of letter Nov. 18 *etc.* I hyred a sloop to carry my letter and news of Du Cass to Jamaica at my own charge. My Governmt. lying so near Martineco gives me a great deal of trouble as well as some expence more than any of the other Governors, therefore I hope your Lordpps. will be my friends to get me the Regiment, if Coll. Lillingston does not come over. Du Cass sailed to Leeward Nov. 22 last; the acct. is from a flagg of truce sent from Martineque to me wth. some prisoners; the allarm he caused has done us some good, I have got the walls at Monk's Hill repair'd and a lyne drawn abt. the town tho' not finished. When they are ffrightned they will send their negroes to the publick workes, but they will lett them remain their no longer than the freight lasts. I shall send the jurnalls of the other Islands as soon as I can get them wth. a list of 6 of the ablest men of each Island. Had I had a man of warr, I would have gone down and done it myselfe. Mr. Crabb, who the Queen has put in one of the Council of this Island, is a perfect stranger to me, but the Gent. of the Council informes me he owes more than he is worth, and if his estate was clear, 'tis but an indifferant one. I comunicated your Instruction to the Council abt. sending a list of all the inhabitants, they thought it of ill consequence, as I writ your Ldps. before, during the warr, for when a man loses his ship, his thoughts are imployed abt. his own intrest, and will forgett to sink my packett, but since it is your Ldpps.' Order, it shall be done as soon as may be, and sent. *Signed*, Daniel Parke. *Endorsed*, Recd. 8th, Read 15th March, 170 $\frac{7}{8}$. 3 pp. [*C.O.* 152, 7. No. 40; and 153, 10. pp. 132-134.]

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1252. Abstracts of letters from the Governor and the President of Council of Barbados. [*C.O.* 28, 36.]

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1253. Abstracts of letters from the Governor of Jamaica. [*C.O.* 137, 41.]

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1254. Reasons offered to the House of Commons for encouraging the export of tobacco, sugar, *etc.* of the growth of H.M. Plantations. 1 p. [C.O. 5, 3. No. 34.]

1255. Abstract of Reports of the Council of Trade and Plantations upon the exportation of tobacco, April, 1706, July, 1707. 1 p. [C.O. 5, 3. No. 35.]

[? 1707] or
[? 1708].

1256. Proprietors of Plantations in Barbados to the Queen. The strength, trade and credit of the said Island are of late so exceedingly diminished, which petitioners verily believe has been occasioned by ye want of a due administration of justice, and by the animosities of contending parties who, as they have prevailed in the Counsel, Assembly and in other civil and military employments, have favoured or opposed each other in the course of justice there, and also in misrepresentations of one another to your Majesty and your Ministers, and many in power have sheltered themselves against their just debts, which are many, and to that end have suffered and countenanced great abuses in the execution of the ancient laws, and have contrived new laws, which increases the difficulties that are put upon creditors, and multiply offices, complaints and law suits, by which evils some do reap particular advantages, and the present Governor, by opposing these heats and promoting the speedy and impartial administration of justice has displeased and disappointed many, and therefore they oppose and misrepresent his administration. The inhabitants are under constant fears and at great charge in being perpetually allarm'd by notices of the designs of ye enemy and the memory of the late misfortunes at Nevis and St. Christophers, and being still without regular forces for their defense, notwithstanding the applications that have been made for a regiment and the report of ye Lords Commissrs. for Trade of ye necessity thereof. *Pray* that some forces may be forthwith dispatched thither, and that for ye restoring and preserving of peace and justice your Majesty would appoint men of clear estates and probity, and such as have been least concerned in these controversies and have fewest law-suits, to be of the Counsel, and that your Majesty would surpress new offices of power and profit, and order that no offices in the disposal of which the Council or Assembly have any votes be hereafter given to any of their Members, and that the profits of all these offices may be moderated, and that upon the passing of new laws or ye giving directions concerning the same, or upon any insinuation against the justice and conduct of ye Governor, wee, who cannot but feel the effects of a good or bad administration, and are acquainted with the facts, may be heard before any alteration be made or censure past as to the lessening of the reputation or authority your Majesty has been pleased to intrust the said Governor with *etc.* *Signed*, J. Colleton, R. Scott, H. Bendish, Robt. Chester, Tho. Foulerton, Richd. Steele, Robt. Davers, J. Kendall, J. Bromley, J. Walter, Richd. Bate. [C.O. 319, 1. pp. 116, 117.]

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1257. The Condition of Barbados. In times of former wars, altho the Island had twice the number of people in it that it now has, yet it was always thought fit to keep a regiment there for the security of that and all other the Caribbee Islands. But during this present war, altho the necessitys of the Island are greater than ever, and many applications have been made from thence, and also from those concerned here, and that matter has been laid before H.M. by a representation of the Councill of Trade, yet it has hitherto been without any effect, and for want of a regiment and regular convoys and cruisers ye inhabitants are exposed to inexpressible trouble, labour and expense in the necessary dutys of the militia, and to great difficulties and hardships for want of regular convoys and supplies, insomuch that the whole profits of most of ye plantations there are consumed in ye dutys and expenses that are upon them, and the planters are become so much indebted that to one person or estate that is not, there are severall that are incumbered. This is ye reason that very unjustifiable methods have of late been tryed to come at money and to favour debtors, and the Assembly, being chosen by and composed of these planters, even the legislative authority itself has too often concurred in these practices. The appointing of paper credit, ye appraising of lands (taken in execution) to creditors at more then double the value it can be sold for, the erecting new and unnecessary offices and applying salaries out of ye publick for the officers (instances of which and even encroachments on H.M. Grants may be seen in several late Acts of that Island, the litigiousness of the people, the expense of the law, and other delays and difficulties that are put upon creditors, ye many endeavours to raise the current coin of ye Isle, ye generall decay of trade and credit are melancholly instances of ye poverty of the people. Another misfortune that ye Isle lies under, is their unhappy divisions, there being two partys in the Isle violently set against one another, viz. those that have ye majority of ye Council and Assembly, and their party, and those that have not, insomuch that for several years past there has been and still is a constant and furious contention amongst ye inhabitants who shal get this majority, and those that have got it have by unjustifiable methods try'd to keep it, the true reason of this hot contention for ye majority of ye Council and Assembly is because those that have it do immediately put themselves and those that adhere to them into all the old offices and places of power and profit and often order new ones for them, and then protect themselves against prosecutions for their debts, and often fine those of the other party. In former times the Assembly had but one Office, viz. that of Treasurer, that they could recomend to, and yet that one Office used to make a great deal of party and contention; now, by ye means aforesaid, they have several offices to stir for. Of late, when Governors had liberty of taking presents from ye people if they concurred and agreed with ye party that had ye majority, then exorbitant taxes were imposed, extravagant laws were made, ye Courts of Justice favoured some and violently

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Jan.—June. **1258.** Permits for 21 ships not to be embargoed in the West Indies. [*C.O.* 5, 210. *pp.* 79, 80, 84, 87, 92–94, 97, 99.]

Jan. 5. **1259.** Council of Trade and Plantations to the Queen.
Whitehall. Report upon Act of Virginia *for raising a public Revenue etc.*, 1705, containing several clauses not fit to be allowed. (1) The clause as to the measurement of ships, *etc.* All the merchants and owners of ships trading to Virginia have complained to us that by this rule they would pay considerably more tunnage than the real burthen of their ship. (2) The clause acquitting vessels owned by inhabitants of the country for half fees. This clause is a great hardship on your Majesty's Naval Officer and Collector, may prove a discouragement to their diligence and integrity, and consequently lead to the lessning your Majesty's Revenue there; besides that it is a burthen upon the owners of vessels of this Kingdom, who by this clause will pay double the fees of the Virginia owners. (3) Another clause enacts that out of the money arising by the duty of 2*s.* per hhd. of tobacco exported, imposed by this Act, there shall be annually paid unto such Members of H.M. Council for the time being as now are inhabitants, or at the time of such payment shall have been inhabitants of that Colony for the space of three years then next preceding, 350*l.* sterl. *etc.* This clause directing a qualification of a Counsellor is an incroachment on your Majesty's Royal Prerogative; it being your Majesty's undoubted right to appoint such persons as your Majesty shall think fit to that station, and may prove a great discouragemt. to your Majesty's subjects of this Kingdom and elsewhere, who may at any time, upon account of trade or otherwise, transport themselves into that Colony. Nor is there in the Act past in 1680 for raising a public Revenue, and which is still in force, any such clause to ascertain the salaries payable to Counsellors, which we are of opinion ought to be left to your Majesty's Royal pleasure. *Recommend* the disallowance of the Act, which will not be any prejudice to your Majesty's affairs in Virginia, for that the above-mentioned Act passed there in 1680, which grants the same Revenue, tho' it has not the above-mention'd unreasonable clauses, will still subsist and be in force upon your Majesty's repealing the Act of 1705. We further take leave to offer, in case your Majesty shall think fit to disallow the foresaid Law, that a letter be writ to the Governor or Commander in Chief of Virginia, that a new Law be passed for the admeasuremt. of ships, and that the rule for doing the same be that contained in the Act of the 6th and 7th William III, if it be found practicable in those parts, to measure the length of the keel so much as the ship treads upon the ground, several of the Virginia Merchants, and Coll. Nicholson, late Governor

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of that Colony, affirming to us that the same cannot be done, for want of conveniency to lay such vessels dry, which is the only objection they have to it : But if this Rule be found impracticable, then we humbly offer that the method, agreed unto by the Commissioners of Customs, be inserted in such new Bill. *Quote rule from No. 1193. [C.O. 5, 1362. pp. 275-278.]*

Jan. 6. **1260.** Order of Committee of the House of Lords. The Council of Trade and Plantations are to lay before their Lordships a copy of their charge against the Charter and Proprietary Governments, and the opinions of Mr. Attorney and Mr. Solicitor General given at any time concerning them. *Signed*, Math. Johnson, Cler. Parliamentor. *Endorsed*, Recd. Read Jan. 7, 1707. $\frac{3}{4}$ p. [C.O. 5, 1264. Nos. 18; and (duplicate) 19; and 5, 1292. p. 24.]

[Jan. 7.] **1261.** Copy of Mr. Attorney and Mr. Solicitor General's Report upon Representation of July 10th, 1704, *etc.* We concur with them that, upon an extraordinary exigency happening through the default or neglect of a Proprietor *etc.*, your Majesty may constitute a Governor, as well for the Civil as Military part of Government, with this addition only that, as to the Civil Government, such Governor is not to alter any of the rules of property or methods of proceedings in civil causes established pursuant to the Charters granted, whereby the Proprietors of those Colonies are incorporated; on perusal of which Charters we do not find any Clauses that can exclude your Majesty (who have a right to govern all your subjects), from naming a Governor on your Majesty's behalf for those Colonies at all times. *Signed*, Edw. Northey, Sim. Harcourt. *Endorsed*, Recd. Read Jan. 7, 1707. $1\frac{1}{4}$ pp. [C.O. 5, 1264. No. 20; and 5, 1292. pp. 24-26.]

Jan. 7. **1262.** Council of Trade and Plantations to the Board. Whitehall. Enclose favourable character, received from Major Lloyd, of Mr. Latham late engineer at Newfoundland. We find that Mr. Vane, who was designed to supply his place there, is returned back on board Capt. Chamberlain; but we hope orders will be given for his going thither by the first opportunity. [C.O. 195, 4. p. 424.]

Jan. 7. **1263.** W. Popple, jr., to the Attorney General. The Council Whitehall. of Trade and Plantations desire your opinion in point of law upon the inclosed Book of Laws pass'd in Maryland, 1705, *etc.* List annexed. [C.O. 5, 727. pp. 5-8.]

Jan. 8. **1264.** Order of Queen in Council. Confirming Act of Kensington. New York, 1704, *declaring the illegality of the proceedings against Col. Bayard and Alderman Hutchins.* See Nov. 3, 1707. *Signed*, Edward Southwell. *Endorsed*, Recd. 19th, Read 21st Jan., 1707. $\frac{1}{2}$ p. [C.O. 5, 1049. No. 42; and 5, 1121. pp. 109, 110.]

Jan. 8. **1265.** Order of Queen in Council. Repealing Act of New Kensington. York, 1705, with the same title as above. *Signed and endorsed*

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as preceding. 1½ pp. [C.O. 5, 1049. No. 43; and 5, 1121. pp. 110, 111.]

Jan. 8. **1266.** Order of Queen in Council. A letter is to be written to Governor Lord Cornbury on Budge's case, as proposed Oct. 23, 1707. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Jan. 29, 1708. 1½ pp. [C.O. 5, 1049. No. 44; and 5, 1121. p. 112.]

Jan. 8. **1267.** Order of Queen in Council. Repealing Act of Kensington. Pennsylvania directing the qualifications of Magistrates. See Dec. 30, 1707. *Signed*, Edward Southwell. *Endorsed*, Recd. 19th, Read 21st Jan., 1708. 1½ pp. [C.O. 5, 1264. No. 22; and 5, 1292. pp. 26, 27.]

Jan. 8. **1268.** Order of Queen in Council. The Representation of Kensington. the Council of Trade relating to the disobedience of the Propriety and Charter Governments relating to H.M. Proclamation for settling the rates of foreign coin in the Plantations is referred to Mr. Attorney and Mr. Solicitor General to consider the remedies proposed for settling the rates of foreign coin upon the same foot throughout all H.M. Plantations, etc. *Signed*, Edward Southwell. *Endorsed*, Recd. 19th, Read 21st Jan., 1708. 1 p. [C.O. 323, 6. No. 50; and 324, 9. p. 159.]

Jan. 8. **1269.** Order of Queen in Council. A letter is to be written Kensington. to the Governor of Maryland, in accordance with the Representation of Oct. 23, 1707 (*q.v.*) on Sir T. Laurence's petition. Set out, *Acts of Privy Council*, II. pp. 528-532. *Signed*, Edward Southwell. *Endorsed*, Recd. 19th, Read 21st Jan., 1708. ¾ p. [C.O. 5, 716. No. 36; and 5, 727. pp. 8, 9.]

Jan. 8. **1270.** Order of Queen in Council. Referring following Kensington. to the Council of Trade and Plantations for their report. *Signed*, Edward Southwell. *Endorsed*, Recd. Jan. 17, Read Feb. 5, 1708. ¾ p. *Enclosed*,

1270. i. Address of the Governor, Council and Assembly of Maryland to the Queen. *Duplicate of No. 1115.i.* [C.O. 5, 716. Nos. 39, 39.i.; and 5, 727. pp. 16-18.]

Jan. 8. **1271.** Thomas Gower to John Graves. I long to here what Carrolina. is liked to be done for Providence. The French often visit the Salt Ponds, and have lately taken five vessels there; the Continent of North America will be very much damaged for want of salt, and if Exuma Salt Pond be cut off by the Enemy, it will be of great damage to us, etc. A true extract. *Signed*, Jno. Graves. *Endorsed*, Recd. Read June 11, 1708. 1 p. [C.O. 5, 1264. No. 41.]

Jan. 8. **1272.** Order of Queen in Council. Approving Representation Kensington. of Nov. 7, and ordering an Instruction to be sent to Governor Parke concerning his house-rent accordingly. Set out, *Acts*

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of Privy Council, II. pp. 534-536. Signed, Edward Southwell. Endorsed, Reed. Read Jan. 23, 1708. 5½ pp. [C.O. 152, 7. No. 30; and 153, 10. pp. 96-100.]

Jan. 10. **1273.** Col. Quarry to the Council of Trade and Plantations. Philadelphia. I have omitted no opportunity of writing, my last was of June 28, etc.; since which I have in the discharge of my duty visited all the Provinces on the Main of North America, after I had taken my departure from New York Government the next place I came to was the Province of Connecticut, the seate of Government is called New London, tho not much like old London; I attended the Governour, Coll. Winthrope, who received me very kindly, and desired me not to look too narrowly into the mistakes of that Governmt. I quickly found that there was good reason for this caution, for when I went to examine the Custome-house, I found nothing but confusion and roguery. I was apprised of many dishonest practices acted in that place before I went, but did not expect to have found matters so very bad, the person that acts as Collector was one Mr. Withred, a Pillar of their Church, but a great Rogue, wch. am sure your Lordships will believe when I tell you that there is no villany that a man in his post could doe, but was constantly practiced by him, severall vessells that made a trade of runing tobacco from the outparts of Virginia without entry or clearing, came directly to this Governmt. and landed their tobacco, but, what was farr worse, he gave false certificates for the shipping off this tobacco to other of the Plantations, in which he certified that the tobacco illegally imported was legally imported, and that the Queen's duty was payd. I have found severall of these false certificates filed in the Custom house of Boston, where considerable quantitys of this tobacco hath been sent, as well as to other of the Plantations, it would tire your Lordships, should I give you the history of the illegall trade carried on and encouraged in this Government from Curacoa, Surinam and other places. This is a very popolous country, able to raise 10,000 effective men, and yet would never assist their neighbours in defending the frontiers from the publick Enemy, nor secure their own from the insults of the Enemy, who hath destroyed whole towns and carried away the inhabitants for want of a regulated Government and Militia, there is in this Government five or six ports of trade, some of them considerable, the people are of a very turbulent, factious, uneasy temper, I cannot give their character better than by telling yr. Lordships that they have made a body of Laws for their Governmt., which are printed, the first of which is, that no Law of England shall bee in force in their Governmt., till made so by an Act of their own; and when I have told yr. Lordships this, I think there is no further room to admire at any extravagancy acted in that Governmt. I have turn'd out all the Collectors in this Governmt., and putt others in their places, wch. I hope will make some alteration, though I must own that I have no hopes of preventing illegall trade in that Governmt., whilst it is in the hands of those people, after

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I had spent some time in this country, view'd all the sea-ports and settled the Officers of the Customs, as well as I could, I went hence to Rhode Island, which is a distinct Governmt., not so populous as Connecticut, but have been more ready in assisting their neighbours against the Publick Enemy, it is scituated betwixt Connecticutt province and that of New England, the situation of this place is very happy for trade, having a very good Harbour, with an easy and quick inlett from the sea, their chief trade is to the West Indies, but more especially they have a great trade to Curacoa and Surinam, the chief town of trade in New Port, weh. is grown in few yeares to be a great town, mainly by illegall trade to those places, nor is it possible to prevent it, whilst the Governmt. is in Proprietors' hands. From this place I went to Boston, where I spent some time, and am obliged to make some remarks to yr. Lordships on the trade and circumstances of that place and Governmt. Boston hath been a place of great trade, but the warr hath extreamply impoverish'd them, so that the trade is not now one third of what it was, the main of their trade consists in their ffishing, lumber and building of shipping, the ffish they carry to Lisborne, Spain, and to severall ports in the streights, and this gives them an oppurtunity of carrying on an illegall trade by bringing the produce of those countrys, contrary to Law, nor doe they want conveniency enough to run these goods before they come into the harbour of Boston, as at Marblehead, Martin's Vineyard and other places; and nothing can prevent it but a small sloop, the lumber they carry in their ships they build to Barbados and the other Islands, from whence they gett freight for England, but this part of their trade is very much lessen'd by the great number of their ships taken by the Enemy, but what is farr worse then all this, unless H.M. be graciously pleased to apply a very speedy and effectuall remedy and that against their own wills, they and that Country will be utterly ruin'd by the French, who are now settled and fixed at Port Royall just under their noses, which will quite destroy their ffishery; nor will their ships be able to goe in or out of their Harbour, without being taken, unless they are at more charge in maintaining ships of fforce then all their trade is worth, and all this misery they have brought on themselves, by the cowardice and ill conduct (to say no worse) of their late expeditions. Were this matter searched to the bottom, it would discover a black story not fitt for me to mention. I am sure yr. Lordships will be strangely surprized at my telling yr. Honours, that notwithstanding all the misery that hath happen'd, and still threatens New England, from the settlement of the French at Port Royall, yett there hath been and still is a trade carried on with that place by some of the topping men of that Governmt., under the colour of sending and receiving Flaggs of Truce. The history of this affair is to long and perhaps not so proper or safe for me, but it being of so great a consequence to H.M. service, I thought it my duty to give yr. Lordships this hint. Mr. Brenton, the late Collector of New England, designs for England by this Fleet, and will attend yr. Lordships, hee is able to sett this matter in a true

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light, having ample vouchers for every thing, and therefore shall refer yr. Lordships to him. The Governmt. of New England hath not only intailed this misery on themselves, but on all the Continent of America, for the French haveing so effectually settled themselves at Port Royall, all their privateers will settle there and ruin the trade of all H.M. Governmts. on the main, haveing a safe Port to goe too, and so neare, whereas they were forced to come from Martineco or Canada to infest our coasts, but now it will be done with ease. I have often represented to yr. Honours the unhappy circumstances of H.M. Provinces on North America, who are ruin'd in their trade, harrass'd and destroyed by a handfull of people, for the French are not more then 3,000 efective men in all the parts of Canada and Port Royall, whereas the Queen hath more then 80,000 men in her severall Provinces, which are able to eat up the French, and yett this handfull of men with their conduct will in time, if not prevented, ruin us all, I have represented the true state of this affair to yr. Lordships very fully in severall Memorials, to wch. I cannot add, but am sure if some effectuall means be not used this warr to remove the French, it will bee too late afterwards, *etc.* I will return to the Governmts. of New Yorke, and New Jersey, neither of which places have taken the proper methods of raiseing a fund for the support and defence of the country, the Assembly of New Yorke hath hitherto had some regard to the safety of their ffrontiers and support of Government, but not so effectuall as to answer the end, perhappes they may better consider the state of affairs at their next meeting, but as for the Assembly of New Jersey, I much feare that they will not do any thing either for the Queen's service or the Country in respect to its defence or support, especially so long as they are influenced by three or ffour men amongst them, they sate at Amboy in October last, but would doe nothing, but past a vote that they would raise no mony till their grievances were redrest, and then but for one yeare, wht. their grievances are will appeare to yr. Lordships by the inclos'd Remonstrance of theirs [see Nov. 29, 1707], to which H.E. hath given an answer. Yr. Lordships will find that the Queen's Instructions are part of their greivances. I am very sure that it is impossible to satisfy or please the turbulent uneasy spiritts of two or three men in that Assembly, who would sacrifice the happyness and quiet of the whole Country to their private resentments, revenge and malice. I assure yr. Lordships that I have no difference or the least prejudice to any of these men, but what I say is the opinion of almost all that know these men, nay, there are many that will give this character of these men, who at the same time will warmly justify their proceedings in Assembly, by reason that they think they reap the benefitt of it in not paying any mony towards the support of Governmt., or being under any regulation of a Militia, these are powerfull motives for their choosing such men into the Assembly, as for Mr. Samuel Jennings and the rest of the Quakers, they are driving at the same game acted in Pennsylvania by their Friends there, who are resolved to allow no Prerogative of the Crown, nor any power in a

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Governour, but will have all power lodg'd in themselves, and therefore, since their principles and practices are such, I think they are inconsistent with Government, and ought not to be entrusted with it. I doe most humbly presume to mind yr. Lordships that this growing evill and mischeif requires a speedy remedy, else I feare it will spread over the whole Continent, so that in time, if not prevented, the Assemblys of America will find work enough for yr. Honble. Board to reduce them to reason or keep them within the bounds of it, to dispute the Queen's Prerogative in her Instructions of Governmt., to refuse the raising such a revenew as may support her Governmt., to neglect the settling a militia for the defence of the Queen's Provinces, to libell, sleight and affront her Governours, are such stepps as ought to be taken notice off in time, for feare they should goe further, *etc.* *Signed*, Robt. Quarry. *Endorsed*, Recd. 7th, Read 28th June, 170 $\frac{1}{2}$. 3 $\frac{1}{2}$ pp. [C.O. 323, 6. No. 62; and 324, 9. pp. 200-208.]

Jan. 10.

1274. Order of Committee of the House of Lords, upon the Representation of Nov. 28, 1707. The Council of Trade and Plantations are to prepare a draught of an Act of Parliament for establishing the rate and value of the fforeign coyns in the Plantations. *Signed*, Math. Johnson, Cler. Parliamentor. *Endorsed*, Recd. 10th, Read 12th Jan., 170 $\frac{1}{2}$. $\frac{1}{2}$ p. [C.O. 323, 6. No. 49; and 324, 9. p. 155.]

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1275. Mr. Way to Mr. Popple. I am informed that Mr. Brodrick, after all his extravagant and wicked practices, hath by flattery and cajoling gott himself into ye Governour's good opinion, and thence promises himself to gett once more into ye Councill, and to be Attorney Generall of Jamaica; his character and how he behaved himself in both before, you can't but have heard too often, *etc.* I pray you to use your utmost endeavour to prevent so great a mischeif to yt. Island; ye present Attourney Generall, Mr. Hotchkyn, hath demean'd himself to generall satisfaction, but being some time since indisposed, and design'd to gett leave to go off the Island for recovery of his health, he was given to understand yt. he could not have leave, unless he would resigne his office to Mr. Brodrick, which he then declin'd, but to prevent that ill effect another time, it would much abate ye people's fears, if H.M. were to appoint some gentleman fittly quallified, of abillity and integrity, to supply that place during Mr. Hotchkyn's absence, *etc.* *Signed*, Benj. Way. *Endorsed*, Recd. Jan. 10, Read Feb. 10, 170 $\frac{1}{2}$. 1 p. [C.O. 137, 7. No. 74; and 138, 12. pp. 216-218.]

Jan. 12.
Falkland,
at Woolwich.

1276. Commodore Underdown to W. Popple. The Council of Trade and Plantations on the 7th inst. demanded a copy of my Instructions, which I have ready, and shall send them, as soon as have H.R.H. directions for so doing. *Signed*, Jo. Underdown. *Endorsed*, Recd. Read Jan. 12, 170 $\frac{1}{2}$. $\frac{1}{2}$ p. [C.O. 194, 4. No. 36; and 195, 4. p. 425.]

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Jan. 13.

1277. Mr. Wood to the Council of Trade and Plantations. [*Reply to Dec. 29.*] How far the encouraging and protecting the trade from Jamaica to the Spanish West Indies is of advantage to the Kingdom of England by employing the poor on ye manufactures of ye Island, will appear by the quantitys sold Aug., 1706—Aug., 1707, of which the most modestest computation is 1,400 negroes=56,000*l.* 4,000 bayes=48,000*l.* 10,000 perpitts=45,000*l.* 8,000 sayes=36,000*l.* 4,000 scarletts=20,000*l.* 1,000 mixt serges=3,500*l.* In sundry goods as laces, worsted stockins, wax, hatts, lynnens of all sorts, by the lowest computation can't have bin sold for lesse then 66,500*l.* *Total*, 275,000*l.* Besides ye above goods wee supply ye Spaniards with great quantitys of flower which brings in returns only silver. Wee might augment our trade to a farr greater value [*if it*] was protected, and such encouragemt. given as the Dutch have, who supply them with manner of counterband goods, by which meanes they introduce there own manufactures more securely, if wee had such priviledges, our trade would flourish to a great degree, and bring into Jamaica a great many seamen and merchants, *etc.* But instead, the merchants labour under great difficultys, by the arbitrary proceedings of some Commodors, who have lately bin amongst us by seizeing of our sloops, and if can but gett any one sailor to swear she had iron or steele aboard, then ye sloop is condemned, soe that as matters now stand it lyes in the breast of any sailor hired by such a malicious man to putt aboard our sloop a small parcell of iron or steele, and then informe, by which the sloop and cargoe is lyable to be seized, of which wee have had instances, therefore it's humbly offered yt., if possible, this may be prevented. I am sure it's of noe advantage to this Kingdome, but a great detriment to itt in generall and of infinite service to our neighbours the Dutch, who gaine by our neglect great advantages in trade, wch. wee are better scituated to carry on. I might instance a great many perticulars of sundery other goods we supply ye Spaniards with, but as it's of great many i'll excuse itt, only in generall dare affirme yt. wee might vend among ye Spaniards yearly nigh 500,000*l.* worth of ye afore-mentioned goods, wch. would imploy great numbers of our men, *etc.* *Endorsed*, Recd. Read Jan. 13, 170 $\frac{7}{8}$. 2 *pp.* [*C.O.* 137, 7. No. 70 ; and 138, 12. *pp.* 191–194.]

Jan. 15.
Whitehall.

1278. W. Popple to Mr. Attorney General. The Council of Trade and Plantations desire your opinion by Monday next whether the frame of the enclosed draught of a Bill for *ascertaining the rates of foreign coins in H.M. Colonies and Plantations in America*, will answer the end designed, or whether it will be more effectual in case the several species of foreign coin be specified in the enacting clause of the Bill, *etc.* *Annexed*,

1278. i. Draught of Bill referred to in preceding. [*C.O.* 324, 9. *pp.* 155–158.]

Jan. 15.
London.

1279. Merchants trading to and concerned in the Fishery of Newfoundland to the Council of Trade and Plantations.

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Notwithstanding the Fishing convoys for Newfoundland have been ordered to be ready to saile for these severall years past, with the first fair wind after March 10th, and the convoys for the sack ships by May 20th, yett so it hath happened by some hindrance or other, the Fishing convoys have not sailed till the latter end of Aprill and beginning of May, and the convoy for the sack ships till the latter end of July, and sometimes till the latter end of August, by which delays not only the Fishing voyadges have been half spoilt, to the great loss of the merchants concerned, and H.M. Customs, but by the late arrivall of the men of war, the Country hath been left open to the insults of the enemy. Pray the Board to represent the great decay of this very advantagious Fishery by these occasions, and the necessity of sending a sufficient convoy to saile by March 1st, and not to stay for any, "whereby fair winds have been lost, and the ships thereby detained sometimes more then 6 weeks"; a convoy for the salt ships from Lisbon, April 1st, and a convoy for the sack ships the first fair wind after May 10. And that protection be granted for men to fit and sail said ships. The damage the French have suffered by our ships and forces in the North Harbours of Newfoundland will certainly induce them (as they have often done) to repay us an hundredfold, unless H.M. shall send a sufficient force of ships to be early in the country, commanded by Gentlemen who have been formerly there. We further offer the necessity of having a fort and garrison at Ferriland, where a fort may be built, which with one or two companies of soldiers, will defend the fishery of that, and four or five harbours adjacent, the best for fishing in Newfoundland. 42 signatures. *Endorsed*, Recd. Read Jan. 15, 170 $\frac{7}{8}$. 2 pp. [C.O. 194, 4. No. 37; and 195, 4. pp. 425-428.]

Jan. 15. **1280.** The Queen to Governor Seymour. Letter directing
Kensington. him to restore the Ordinary licences to Sir T. Lawrence, *etc.*,
as ordered Jan. 8. *Countersigned*, Sunderland. *Endorsed*, Recd.
27th, Read 28th Jan., 170 $\frac{7}{8}$. 4 $\frac{1}{2}$ pp. [C.O. 5, 716. No. 37;
and 5, 210. pp. 75-78; and 5, 727. pp. 9-13.]

[Jan. 19.] **1281.** Mayor and Merchants of Poole to the Council of
Trade and Plantations. Return thanks for convoys for ships
last yeare, "out and home and also in the Newfoundland." Pray
for an early convoy this year (*as* Jan. 15), and that the Lisbon
convoy be not ordered to call at any other porte, as it was last
year, and was thereby detained so long that the salt shippes were
forced to runn, and severall of them were taken *etc.* On arrival,
the convoys to be stationed at Trinity Harbour and Faryland.
Signed, George Lewen, Mayor, and 37 others. *Endorsed*, Recd.
Read Jan. 19, 170 $\frac{7}{8}$. 1 large p. [C.O. 194, 4. No. 38.]

Jan. 30. **1282.** P. Vanderheijde Reze to the Directors of the Dutch
Fort West India Company. *Signed*, Pa. Vanderheijde Reze. *Endorsed*,
Kijkoveral, Read July 9 (n.s.), 1708. *Dutch*. 17 pp. [C.O. 116, 20.
Essequibo. No. 12.]

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- [Jan. 20.] **1283.** List of provisions *etc.* required for the garrison at Newfoundland, 1708, with Memorandum as to their pay. [Set out, *Acts of Privy Council*, II. p. 537.] *Signed*, J. Thurston. *Endorsed*, Recd. 20th, Read 22nd Jan., 170 $\frac{7}{8}$. 1 p. [*C.O.* 194, 4. No. 39; and 195, 4. p. 429.]

- Jan. 21. **1284.** Copy of new Privy Seal for the establishment of the Commissioners of Trade and Plantations:—Thomas, Earl of Stamford, William, Lord Dartmouth, Henry, Lord Herbert of Chirbury [*sic*], Sir Philip Meadows, John Pulteney and Robert Monckton, 1,000*l.* each per annum, and 1,150*l.* for the office. [See *B. of T. Journal*, Jan. 22.] [*C.O.* 389, 36. pp. 349–355.]

- [Jan. 21.] **1285.** Mr. Solicitor General to Mr. Popple. Mr. Attorney General and I call'd ye other day to acquaint the Lords that it will be necessary for us to have the copies of the Charters granted to the Proprietary Governmts. to peruse as we shall have occasion to answer any questions their Lordships shall think fit to ask of us *etc.* *Sends clerk for the loan of the books in which they are entered, whose receipt is given overleaf.* *Signed*, Jas. Mountague. *Endorsed*, Recd. Read Jan. 21, 170 $\frac{7}{8}$. *Addressed*. 1 $\frac{1}{2}$ pp. [*C.O.* 5, 1264. No. 23.]

- Jan. 22. **1286.** Order of Queen in Council. Referring following to Kensington. the Council of Trade and Plantations for their report. *Signed*, Edward Southwell. *Endorsed*, Recd. 26th, Read 29th Jan., 170 $\frac{7}{8}$. 1 p. *Enclosed*,

1286. i. Petition of James Benger, of Newfoundland, merchant, and Mary his wife, to the Queen. Complain that they have been arbitrarily dispossessed of Poole Plantation in Ferryland and can obtain no redress there. [See March 5 and April 15.] [See *Acts of Privy Council*, II. No. 1048.] 1 $\frac{1}{2}$ pp. [*C.O.* 194, 4. Nos. 40, 40.i.; and 195, 4. pp. 434–436.]

- Jan. 22. **1287.** Council of Trade and Plantations to the Earl of Whitehall. Sunderland. Enclose following to be laid before H.M.

1287. i. Council of Trade and Plantations to the Queen. Representation concerning Newfoundland provisions and convoys in accordance with Jan. 15, 19, 20 and 22. Capt. Chamberlain, who carried the cloths and mony for the said soldiers the last year, meeting Commodore Underdown within 5 leagues of St. John's Harbour was by him ordered back, so that they have been this year without either mony or cloths, *etc.* [*C.O.* 195, 4. pp. 430–433.]

- Jan. 22. **1288.** Orders of Queen in Council, as to provisions, pay, Kensington. bedding and convoys for Newfoundland. *Cf. Jan. 15.* Set out, *Acts of Privy Council*, II. pp. 537, 538. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Feb. 4, 170 $\frac{7}{8}$. 3 pp. [*C.O.* 194, 4. Nos. 41–43; and 195, 4. pp. 436–438.]

1708.

Jan. 22.
Kensington.

1289. Order of Queen in Council. Upon reading a Report from Mr. Attorney and Mr. Solicitor Generall upon a Representation of June 10, 1707, together with a letter from the Council of Trade and Plantations to the Earl of Sunderland, Oct. 24, 1707, in relation to the disobedience of the Proprietary and Charter Governments to H.M. Proclamation for settling the rates of foreign coin in the Plantations, and proposing an Act of Parliament for enforcing it. Ordered that the aforementioned papers be sent to the Earl of Sunderland, who is to receive H.M. further pleasure thereupon. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Feb. 4, 1707. 1 p. [C.O. 5, 1264. No. 24; and 5, 1292. pp. 28, 29.]

Jan. 22.
Kensington.

1290. Order of Queen in Council. Approving Representation of Oct. 28, 1707, and ordering Governor Crowe to restore Messrs. Sharpe, Cox, Milles and Walker to the Council of Barbados as Jan. 24. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Feb. 4, 1707. 1½ pp. [C.O. 28, 10. No. 60; and 29, 11. pp. 186, 187.]

Jan. 22.
Kensington.

1291. Order of Queen in Council. Referring following to the Council of Trade and Plantations for their report. *Signed*, Edward Southwell. *Endorsed*, Recd. Jan. 24, Read Feb. 4, 1707. ¾ p. *Enclosed*,

1291. i. Samuel Cox, Clerk of the Naval Office at Barbados, to the Queen. Petitioner had a grant of this Patent Office under the Great Seal. At Col. Cleland's instigation, Governor Crowe has seized on it as his perquisite. Petitioner was forced to account to him for the profits thereof, in order to avoid the effects of an arbitrary power which the Governor assumes, by imprisoning without any process of Law, all who dare dispute his pleasure. This office has been always executed by persons appointed by the Crown. In 1693, His late Majesty asserted the right of the Crown against the pretences of Col. Russell, then Governor. *Prays* to be restored to his place and the profits extorted from him. *Copy*. 2 pp. *Note*.—This petition was withdrawn. Oct. 26, 1708. [C.O. 28, 10. Nos. 61, 61.i.; and 29, 11. pp. 187-190.]

Jan. 22.
Kensington.

1292. Order of Queen in Council. Referring enclosed to the Council of Trade and Plantations for their report. *Signed*, Edward Southwell. *Endorsed*, Recd. 26th, Read 29th Jan., 1707. ¾ p. *Enclosed*,

1292. i. Sir T. Laurence to the Queen. *Prays* that the Governor and Assembly of Maryland may be ordered to recompense him for the damage they have done to him in regard to their illegal and unjust proceedings affecting the office of Secretary, 1703-1707. *Signed*, Tho. Laurence. *Copy*. 1½ pp.

1708.

1292. ii. Account showing the diminution of the Secretary's fees caused by the Act of Maryland, 1704. 1 p. [*C.O.* 5, 716. *Nos.* 38, 38.i., ii. ; and (*without enclosure* ii.) 5, 727. *pp.* 13-16.]

Jan. 23.
London.

1293. Mr. Dummer to Mr. Popple. Gives sailings of *Antegoa* packet-boat, out and home 118 days. Brings news of French squadron of 8 ships under Du Casse at Martinique, *as supra*, and sundry letters from the Spanish coast captured in a sloop between the Capes. Reports from Barbados say the animosities are higher than ever, and that that Island is in a miserable condition. The Leeward Islands have receiv'd more damage by the Hurrican on Aug. 29 than by the late invasion. Antego is reported to have receiv'd 500,000*l.* damage, and the others in proportion, and in Jamaica hath been felt two earthquakes of two minutes durance each. The Captain when he was plying to the Capes, Dec. 13, saw 9 sail standing for Jamaica, which he took to be Commodore Wagar's squadron. *Signed*, E. Dummer. *Endorsed*, Recd. 24th, Read 26th Jan., 170 $\frac{7}{8}$. *Addressed.* 1 $\frac{3}{4}$ *pp.* [*C.O.* 323, 6. *No.* 51.]

Jan. 23.
Whitehall.

1294. Council of Trade and Plantations to the Lord High Treasurer. Enclose account of incident charges of the office, Michaelmas to Christmas, 58*l.* 5*s.* 1*d.*, *etc.* See *B. of T. Journal*, Jan. 23. [*C.O.* 389, 36. *pp.* 357, 358.]

[Jan. 23.] **1295.** Extract from Governor Crowe's Instructions as to turning out Councillors guilty of misbehaviour. *Signed*, A. Skene. 1 p. [*C.O.* 28, 10. *No.* 65.]

[Jan. 23.] **1296.** A. Walker to Charles Cox. Barbados, Nov. 5, 1707. H.E. refused us the Seals to our Address, yet granted them to Col. Holder, *etc.* *Signed*, Alexander Walker. *Endorsed*, Recd. from Mr. Cox Jan. 23, Read Feb. 10, 170 $\frac{7}{8}$. *Sealed.* $\frac{1}{2}$ p. [*C.O.* 28, 10. *No.* 66.]

[Jan. 23.] **1297.** Certificates, attested before Governor Crowe, Oct.—Nov., 1707, that no suits in any of the Courts of Barbados had been commenced against Alexander Walker since 1688. *Signed*, by Wm. Davies, Alleyne Culpeper, Alexander Burnet, William Burnet, Clerks of the Courts. *Endorsed as preceding.* 10 *pp.* [*C.O.* 28, 10. *Nos.* 68, 69, 71-78.]

[Jan. 23.] **1298.** Copy of complaints against Sharpe, Cox, Cleland, Milles, Colleton, Walker, and Chamberlain, Members of Council of Barbados, as being concerned in the Paper Act, *etc.* 1 p. [*C.O.* 28, 10. *No.* 69.]

[Jan. 23.] **1299.** Messrs. Sharpe, Cox, Milles and Walker to Governor Crowe. *Reply to preceding.* *Signed*, Wm. Sharpe, Saml. Cox, John Milles, Alexander Walker. 3 *pp.* *Overleaf*,

1299. i. Merchants of Barbados to Col. Sharpe. Praying for an Act of Relief in regard to the paper bills, *etc.*

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52 *Signatures*. [See Oct. 8, 1707.] 1 p. [C.O. 28, 10. Nos. 70, 70.i.]

Jan. 23. **1300.** Sir F. Wyndham to the Council of Trade and Plantations. In the right of his wife, Sir Francis is, by a judgment obtain'd in the Court of Common Pleas, held for the precinct of Christ Church and St. Phillip's towne in Barbadoes against the late Sir Willoughby Chamberlain, entitled to 1,600*l.*, besides a trust of 4,000*l.* more still owing from the estate of the said Sir Willoughby in that Island. For ten years last past, he hath been at great charge and trouble in prosecutions, in the Court of Equity in the said Island, for the recovery of the said debt, and obtain'd a decree for the same, but Mitford Crow, Esq., having since had the honour to be appointed H.M. Governor there, marrying the widow of the said Sir Willoughby, and thereby become lyable to answer the said demands, sitting as Chancellor in his own Cause, hath arbitrarily and unjustly overturn'd all Sir Francis's proceedings for these ten years past, and obtain'd a decree in his own favour in three Chancery Courts, for an unjust debt, pretended to be owing to himself, in the right of his wife. And committs divers other irregularities, as well to the great prejudice of H.M. interest and service, as to the inhabitants there, and the said Sir Francis. All which may more fully appear by several letters of complaint from Sir Francis's Agents in that Island, which he hath ready to produce. *Prays* for redress, etc. *Signed*, Fra. Wyndham. *Endorsed*, Recd. Read Jan. 23, 1707. 1 p. [C.O. 28, 10. No. 55; and 29, 11. pp. 159, 160.]

Jan. 23. **1301.** Dixey Percival to the Queen. *Prays* to be appointed Attorney General of Jamaica in place of Robert Hodgskins, who is about to resign. *Subscribed*,
Whitehall.
1301. i. H.M. refers this petition to the Council of Trade and Plantations for their report. Whitehall, Jan. 23, 1707. *Signed*, Sunderland. *Endorsed*, Recd. 26th, Read 28th Jan., 1707. 1 p. [C.O. 137, 7. No. 73; and 138, 12. pp. 209-211.]

Jan. 24. **1302.** The Queen to Major Lloyd. Upon a Representation
Kensington. from the Board of Ordnance, Our will and pleasure is that such numbers of the soldiers under your command be employed in building the fortifications and barracks at St. Johns as our service may require, for which they are to be paid 6*d.* per man per day by the persons who shall have the inspection of those works. *Countersigned*, Sunderland. [C.O. 5, 210. pp. 81, 82.]

Jan. 24. **1303.** The Queen to Governor Crowe. You are not to
Kensington. suspend Wm. Sharpe, Samuel Cox, John Milles, and Alexander Walker from the Council of Barbadoes, and in case you have already suspended them, you are immediately to restore them to their places and precedencys, etc. *Countersigned*, Sunderland. *Endorsed*, Recd. Read Jan. 28, 1707. 2 pp. [C.O. 28, 10. No. 57; and 29, 11. pp. 167, 168; and 5, 210. pp. 80, 81.]

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Jan. 25.
Kensington.

1304. Order of Queen in Council. Repealing Act of Virginia, 1705, for raising a publick Revenue and ascertaining the salary of the Councill. Signed, John Povey. Endorsed, Recd. Read Feb. 4, 170 $\frac{7}{8}$. 1 $\frac{1}{2}$ pp. [C.O. 5, 1315. No. 77; and 5, 1362. pp. 279, 280.]

Jan. 25.
Kensington.

1305. Order of Queen in Council. Instructions are to be prepared for the Governor of Virginia that a new Law is to be passed, in place of preceding, for the admeasurement of ships, as proposed Jan. 5. Signed, Edward Southwell. Endorsed, Recd. Read Feb. 4, 170 $\frac{7}{8}$. 2 pp. [C.O. 5, 1315. No. 78; and 5, 1362. pp. 280, 281.]

[Jan. 26.]

1306. Major Pilgrim to the Council of Trade and Plantations. The Councill and Assembly of Barbados had considered that the habitation of some Governors formerly ware at soe greate a distance from the cheife towne, and all masters of vessells ware obleidged at thaire first arrivall to waite on the Governor to acquaint him from whence they came, and what thaire loading was, that the verry journey in that hot countrey did verry often cause them to fall into ffevers, whereof severall lost thaire lives; thay thought of a verry convenient howse with 20 acres of land adjoyning to it, a small mile from the said towne, belonging to Mr. Tho. Pilgrim, which thay rented of him for 21 yeares, paying him 120*l.* p. annum, and to make it comodious for the reception of a Governor, thay added new buildings to said hous, as allso built verry comodious stables and outhowsees, all which cost them above 10,000*l.* Notwithstanding Mr. Croe at his first arrivall, desired the Assembly to give him the allowance that my Lord Gray had to provide himselfe with a howse, thaire being no howse provided for my Lord Gray, which thay readily granted by passing an Act that he should have 500*l.* p. annum, which is a greate burthen to that countrey, considering how much monys they had laid out in soe convenient a place, that was verry healthy, in a verry good aire, and had plenty of extreordinary water, and a Governor in any part of said howse, mought see all vessells that came in and went out of the cheife rode of that Island, as allso in sight of the cheife fforts, thay being about a mile distance, it is hoped your Lordships will take some care that the countrey may be eased of the 500*l.* p. annum given Mr. Croe, beleiveing he would chuse to leave said howse that has cost the countrey soe much money, rather then loose the 500*l.* per annum, and putt all Masters of Vessells to the same ill conveniencys as formerly. Endorsed, Recd. Jan. 26, Read Feb. 10, 170 $\frac{7}{8}$. 1 p. [C.O. 28, 10. No. 79; and 29, 11. pp. 198-200.]

Jan. 26.

1307. James Whitechurch to the Queen. Wroth Delamaine, of the Island of Jamaica, about 28 years since dying intestate, administration of his personal estate was granted to Francis Vincent, Esq., deceased. The said Wroth Delamaine being at his death indebted to Sarah, your petitioner's late wife, in a considerable summe of money, the said Francis Vincent sold and

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delivered a Negro woman slave belonging to the estate of the said Delamaine, called Catalena, in satisfaction of the said debt. Petitioner, in 1682, intermarried with the said Sarah, his late wife, and became intituled to the said Negro woman, and for 25 years quietly enjoyed her without any interruption or disturbance, during which time she had ten children and grandchildren born on petitioner's Plantation. By the great earthquake and dreadfull fire at Port Royall, great part of the Records of the Island, and petitioner's papers, which would have made out his title to the said Negro woman and her family, were destroyed. The loss of the Records being a generall calamity that all the inhabitants were like to suffer by, for the prevention of the mischief that might thereby happen, an Act was made, by which it was ordained that the present possessors of lands, tenements, hereditaments or Negroes, who had been five years in quiet and peaceable possession without claime or interruption, or should remain quietly and peaceably possess without claime or interruption for the space of five years from the time of such possession, should for ever after hold the same against all persons whatsoever. Notwithstanding your petitioner's having had many years quiet possession of the Negro woman and her family, both before and after the making the said Act, without claime or interruption, and the said children and grandchildren were born on petitioner's Plantation and bred up by him at his charge, yet petitioner being necessitated to return to England for the recovery of his health, the present Governor, Col. Handasyd, in his absence caused the said Negro woman and her children and grandchildren, being 11 in number, to be seized as escheated to the Crown, on a pretence that Charles Delamaine, son of Wroth Delamaine, dyed without heir, and the Governor was so very expeditious in his proceedings, that contrary to the opinion of the Cheif Justice of the Island, he gott an inquisition executed on a writt of escheat before it was possible for petitioner to send any directions to his Agent for his defence, nor could inform him what petitioner's title was. Notwithstanding he very importunately desired time to send to petitioner for such instructions. The Governor hath made a grant of the said Negro woman, her children and grandchildren, to one Richard Rigby, Esq., formerly Provost Martiall, and now Secretary of the said Island. Such proceedings of the said Governor, your petitioner is informed, is without president, and will render the estates of all persons that are absent from the said Island very precarious, if their Agents there cannot have time to receive instructions from their Principalls in England how to make a defence for them, when the Governor thinks fitt to sett up a pretended title to their estates, and will very much discourage your Majesty's subjects from trading to the said Island or purchasing estates there, *etc.* *Prays* that the Negro woman may be restored to him, *etc.* *Overleaf,*

1307. i. Whitehall, Jan. 26, 170 $\frac{3}{4}$. H.M. refers the above petition to the Council of Trade and Plantations for their opinion. *Signed*, Sunderland. *Endorsed*, Recd.

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Feb. 4, Read March 2, 170 $\frac{7}{8}$. 1 $\frac{1}{2}$ pp. [*C.O.* 137, 7. Nos. 76, 76.i.; and (*petition only*) 138, 12. pp. 222–227.]

[Jan. 26.] **1308.** S. Berresford to [? *Mr. Popple*]. We have had most violent oppotitions here of late betwene the Governour and the Assembly upon his dispensing with the Paper Act in favour of Col. Holder. The Governour has espoused Cleland and Holder soe farr that he has mightely lost himselfe, having taken the verry same measures as you hinted to me in yours per the packet you suspected he would. He has drawne the odium of the peopell generally upon himselfe by siding soe farr as he has down with Cleland and Holder, thaire is none admitted to the Cabt. Councill but Cleland, Holder and Skene, who are the only enemyes the Governour has, as I beleive will appeare in a little tyme. I mention'd in my last the greate injustice down to myselfe, as well as the arbitrary determination of the Governour and Councill upon my presenting my Mandamus to the Board. The usuall custom is to sware every Member, and then to lett them take thaire place, but the Governour, contrary to that custom, first demanded of me what place I expected. I told him the place I had given me by Mr. Sharpe, from wch. he was pleased to remove me. I insisted in it for as much as my Mandamus run diffrent from the usuall forme, haveing the verry word confirm in it, wch. I humbly conceived was therefore incerted in the same. I reason'd and instanst in the case of Cleland against Mills and Walker. The whole Board oppos'd me with violence, and in short the Governour told me, I should not be sworn at all if I would not sitt belowe those fower which he had putt in, urging to me in plaine and express words, that they were as good Councillers as myselfe. Upon which I denighed it, alleidging as in my owne case, that if he should dey or remove, and another person should have the administration of the Goverment, thay might be postponde as well and as justly as thay pretended to deale by me. The Governour exprest himselfe verry angrely, and us'd what methods he could to brow beate me. Upon which I told him I was obleig'd to submitt to his determination, but desired leave to enter my protest in the Councill Bookes, wch. was denighed me. *Prays* to be restored. *Endorsed*, Recd. 26th, Read Jan. 29th, 170 $\frac{7}{8}$. 1 p. [*C.O.* 28, 10. No. 59; and 29, 11. pp. 176–178.]

Jan. 27. **1309.** Order of Committee of House of Lords. The Council of Trade and Plantations are to prepare the draught of a Bill for enforcing obedience to H.M. Proclamation of June 18, 1704. Cf. Nov. 28, 1707. *Signed*, Math. Johnson, Cler. Parliamentor. *Endorsed*, Recd. Read Jan. 28, 170 $\frac{7}{8}$. $\frac{1}{2}$ p. [*C.O.* 323, 6. No. 52; and 324, 9. p. 159.]

Jan. 27. **1310.** The Queen to the Attorney or Solicitor General. A Kensington. warrant is to be prepared appointing Norman Meckaskell to the office of Clerk of the Markets in Barbadoes, to be held by himself

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or his deputy or deputies, and revoking the letters patent of K. William III, granting the said office to Robt. Harmsworth. *Countersigned*, Sunderland. 1 p. [C.O. 28, 38. No. 67; and 5, 210. pp. 83, 84.]

Jan. 28.
Whitehall.

1311. W. Popple, jr., to Mr. Solicitor General. Encloses Mr. Percival's petition, Jan. 23, and enquires whether, in regard to his abilities and knowledge in the Law, he be a person fit to be recommended *etc.* [C.O. 138, 12. pp. 211, 212.]

Jan. 28.
Whitehall.

1312. Same to Sir Gilbert Heathcote. Desires him to communicate Mr. Percival's petition (Jan. 23) to the merchants trading to Jamaica, for what they may have to offer thereupon. [C.O. 138, 12. p. 212.]

Jan. 28.
Whitehall.

1313. Council of Trade and Plantations to the Earl of Sunderland. Enclose Address from St. Kitts for H.M. pleasure thereupon. We cannot but remind your Lordship of the letters we writ you the 11th and 19th of the last month, relating to those Islands, wherein we conceive it necessary that H.M. pleasure be speedily known. Enclose extracts from Col. Parke's letter, Nov. 10, 1707, as to ships of war and the regiment there *etc.* We cannot but repeat (Dec. 19) that it is absolutely necessary the said Regiment should be kept compleat, and the absent officers ordered to their respective posts. As the other matters in the said letter are of very great importance, we pray your Lordship as soon as possible to receive H.M. pleasure thereupon. We likewise enclose the extract of a letter from Mr. Crow, Oct. 8 last, by which your Lordship will observe in what a weak state of defence Barbadoes is at present, and what the consequence thereof may be, if the French force should attack that Island, and therefore we take leave to repeat (Jan. 14, 1708 *q.v.*), that Barbadoes requires a regular disciplined force *etc.* [C.O. 153, 10. pp. 110-112.]

[Jan. 29.]

1314. Mr. Baron to the Council of Trade and Plantations. *Prays* that the case of his ship *America*, condemned by Col. Codrington in 1700, may be recommended to Governor Parke for dispatch *etc.* *Signed*, Samuel Baron. *Endorsed*, Recd. Read Jan. 29, 1708. 1 p. [C.O. 152, 7. No. 34.]

Jan. 29.
Whitehall.

1315. Council of Trade and Plantations to Governor Parke. *Acknowledge* letters of Oct. 22, Nov. 10 and 18. The Address of St. Kitts, relating to the distressed condition of that Island, and to the application of the 4½ p.c., we have laid before H.M., and hope in a little time to be able to give you some account thereof. We have also laid before H.M. what you write relating to the want of ships of war *etc.*, and we doubt not but H.M. will give the necessary directions therein. We shall expect the Minutes of Council and Assembly, the account of imports and exports, and the account of stores of war, which you promise us. We commend your diligence and zeal in giving notice to

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Jamaica and Barbadoes of the arrival of the French at Martinico : and we cannot but think the Assembly of Jamaica will be so sensible of your service to that Island : that they will thankfully reimburse the charge you have been at in giving them that intelligence. *P.S.*—We desire you to send us a list of all the Patent Officers in your Government, specifying the annual value of each office. Mr. Samuel Baron attended us this morning, and shew'd us letters from his Agent of his willingness to proceed in the suit against Coll. Codrington, therefore, since there will be no delay on his part, we do expect that in compliance to the Order formerly given you, you do take care that there be such reasonable dispatch as may be suitable to the course of Justice. [*C.O.* 153, 10. *pp.* 113–115.]

Jan. 29.
Whitehall.

1316. Council of Trade and Plantations to Governor Crowe. *Acknowledge* letters of Oct. 8 and Nov. 5. As to the Cartel between Barbadoes and the French, we writ to you Aug. 14, 1707, and have now recd. your answer. But we do not find reason from what you say to alter our opinion ; for though the abuse of flags of truce may be of ill consequence, yet the use of them with due care may be of considerable service. And therefore we are of opinion you ought not to discontinue them, but when any shall arrive, if you take care that the persons who come therein be not permitted to come on shore, and that they speak with none but whom you shall appoint, we cannot conceive but that such flags of truce must be for H.M. service. We expect the accounts of the Revenue which you promise us, it being absolutely necessary for H.M. service that we have a true state thereof, as also a report from the Committee you mention to be appointed for examining into the disbursments of the publick mony. We have not received the copy of the amended Bill relating to the Matrosses, nor of that relating to the Paper Credit, wch. you mention to be inclosed ; And therefore we can say nothing upon that matter. You ought not to have turned Coll. Sharpe, Mr. Cox, Mr. Mills, and Mr. Walker out of the Councill, the intent of H.M. Instructions, upon which you ground their dismissal, was not to punish them for an error in judgement, and it plainly appears by what they have since done, that their voting for the Paper Act was such, as we writ to you more at large Oct. 30, 1707. H.M. has therefore thought fit to restore them to their places and precedencies in ye Councill, as you will see by her inclosed letter to you upon that subject, which you are to cause to be entred in the Councill Books, and observed accordingly. By such readmission the number of the Councill will be compleat, and therefore the four gentlemen you have put in cannot sit as Counsellors till there be further vacancies, and H.M. pleasure be known. Upon this occasion, we cannot but take notice to you that we have heard that you have refused to admit Mr. Berresford into the Councill, unless he took his place after the four gentlemen you had taken in, which you ought not to have insisted upon, he having been made a Counsellor by Coll. Sharpe, the late President, and confirm'd therein by

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H.M. We have laid before H.M. what you write of the weak state of the Militia of Barbadoes, and the necessity of sending a regiment thither. When any resolution shall be taken thereupon, we will give you notice thereof. We shall lay before H.M. the Acts you have sent us and shall receive H.M. pleasure thereupon. We expect the plans of the fortifications you promise us, with your opinion upon the same, as also an account of the stores of war in the Island, and what you shall think necessary for its defence. We must exhort you to use your utmost endeavours with the Assembly, and to represent to them the necessity of raising a fund for repairing the places appointed for the publick stores; it being not only for their own honour and reputation but interest also. We are sorry to perceive that the want of cash forces some of your inhabitants from the Island, but that is no more than what we feared, and what Col. Sharpe and the other three abovementioned Councillors very early endeavoured to prevent. In the close of what you write in relation to your sitting in the Grand Sessions you say, "But I shall for the future (as in all things) acquiesce with your Lordships' better judgements and the liberty given me by the last printed Law, to ease myself of so great a trouble." You leave us in the dark what you mean by the last printed Law etc., and therefore desire you to explain it to us. Inclosed we send you a list of such laws as we know of that have been repealed by the Crown. The Minutes of Councill and other papers which you have sent us shall be duly considered. We shall also consider the Minutes of the Assembly in relation to Mr. Holder, and in the mean time we can only tell you that we think you are very much in the wrong to take upon you to suspend the execution of an Act of Assembly, especially one that has been confirmed by H.M. That is what ought not to be done. You have done well to send to the Commissioners of the Customes the Naval Officers' list of ships for last Michaelmas quarter, but you ought likewise according to your Instructions to have sent us a transcript thereof, and therefore we shall expect the same by the next conveyance. We desire you to send us a list of all the Patent Officers in your Government, specifying the annual value of each office. H.M. has been pleased to restore Tobias Frere to his place and precedence in the Councill and to appoint Major John Pilgrim a Member of yt. Board. The Orders are sent you by this conveyance. *Annexed,*

1316. i. List of 11 Acts of Barbados repealed since 1685.
[C.O. 29, 11. pp. 178-185.]

Jan. 29.
Whitehall.

1317. Council of Trade and Plantations to Governor Handasyd. *Acknowledge* letters of Nov. 9, and Dec. 5. We are satisfied with what you write us about the two privateers, which we informed you had done some irregular things in trading upon the Spanish Coast; but you are mistaken in your conjectures, for the person who gave us the information was never upon the Island of Jamaica, yet very knowing in the state of affaires there. However, as you say you are of opinion that the person we had

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the information from, wanted something to say to blind his own misbehaviour whilst he was in your parts, we cannot doubt but you know of some person who has so misbehaved himself, which you ought to have given us notice of, and therefore we shall expect it from you. You are also mistaken in your opinion that we are not acquainted with the nature of your Assemblies. If they do not keep any records of their Minutes, it is a fault which you ought to have prevented, for it is one of your standing Instructions from H.M. that you transmit to us transcripts of the Journalls of the Assembly, as well as of the Councill, as is done by the other Governours, and therefore we expect it from you. You will see (Dec. 30), what is H.M. pleasure in relation to the Act for *quartering of soldiers*. We are a little surprized at your answer to what we writ you in relation to the sending the accounts of prizes to the Prize Office, and especially at your calling that a crowding of business, foreign to your employment, upon you. We did not understand that the taking care of what relates to H.M. service in your Government was foreign to your employment, nor are we willing to understand it so yet, till you explain yourself further. And therefore we do expect that you do observe the directions we gave you in our letter of June 26 last, upon that matter, and such others as we shall give you from time to time. We are in hopes, from what you write, that the trade between Jamaica and the Spanish coast will be resettled to the advantage of that Island, and of this Kingdom. We have considered your objections to Sir E. Northey's opinion relating to Letters of Administration, but as that opinion is founded upon the Law of this Kingdom, it is to be a guide to you in all cases of that nature. We commend your diligence in giving Admiral Wager notice of the intelligence you received from Col. Park, and hope your care therein, as also of Jamaica in this conjuncture, will prevent any insults of the enemy.

P.S.—We desire you to send us a list of all the Patent Officers in your Government, specifying the annual value of each office. [C.O. 138, 12. pp. 213–216.]

Feb. 2. **1318.** Draught of a Bill for enforcing obedience to H.M. Proclamation for settling the rates of foreign coins in the Plantations. [C.O. 324, 9. pp. 160–163.]

Feb. 2. **1319.** Mr. Solicitor Generall to the Council of Trade and Plantations. By all I have seen and heard of Mr. Percival (Jan. 23, 28) I do think he is a person fit to be recommended *etc.* Signed, Ja. Mountague. Endorsed, Recd. 2nd, Read 10th Feb., 1708. 1 p. Enclosed,

1319. i., ii. Duplicates of Nos. 1301, 1311. [C.O. 137, 7. Nos. 75, 75.i., ii.; and (without enclosures) 138, 12. pp. 218, 219.]

Feb. 3. **1320.** Council of Trade and Plantations to the Earl of Whitehall. Sunderland. Enclose draught of additional Instruction to Governor Parke concerning House-rent, for H.M. signature, as

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ordered Jan. 8, *q.v.* Instruction annexed. [*C.O.* 153, 10. pp. 115–119.]

Feb. 4. **1321.** List of papers received by Mr. Budge out of the Office of the Board of Trade. *Signed*, Richard Budge. $1\frac{1}{2}$ pp. [*C.O.* 5, 1049. *No.* 40.A.]

Feb. 5. **1322.** A short Account of what passed between the Lord Baltimore and Capt. William Markham in relation to the bounds of Maryland and Pennsylvania. [*See C.S.P.* 1682, *No.* 847.] *Signed*, C. Baltimore. *Endorsed*, Recd. (from the Lord Baltimore) Read Feb. 5, 1707. $1\frac{1}{2}$ pp. *Enclosed*,

1322. i. Wm. Penn to Lord Baltimore, Governor and Proprietor of Maryland. Westminster, 10th 2mo. Aprill, 1681. Introduces Capt. Markham and proposes a friendly correspondence upon the occasion of the King's letter. *See C.S.P.* 1681–2, *Nos.* 62, 847. *Signed*, Wm. Penn. *Copy.* 1 p. *Endorsed*, “wch. sheweth how pressing ye sd. Penn was to have those commands of the King's complied with when it was thought the degree of 40 would be as low as Poole's Island.” [*C.O.* 5, 716. *Nos.* 40, 40.i.; and (*duplicate of enclosure, endorsed*, Recd. Read April 26, 1708) *No.* 51.]

Feb. 6. **1323.** Charles Cox to the Council of Trade and Plantations. Extracts of letters from Barbados:—The Governor a favorer of Cleland and others enemies to ye peace of ye Island—The inhabitants threatned with a turn of affairs by Cleland and others upon Governor Crow's arrival—Cleland rules, Governor Crow has only the title—*Repeats* case of Cox *etc.*—The Courts of Law and Equity are in a manner shut up, the practice of seeking redress being by petition to the Governor, upon which he issues out orders, a non-compliance to which is punish'd with imprisonment, as in the case of Charles Buckworth, Judge of ye Admiralty, and others. By the oppressions of Governor Crow a great number of ye Inhabitants are going off the Island. *Signed*, Charles Cox. *Endorsed*, Recd. Read Feb. 6, 1707. 1 p. [*C.O.* 28, 10. *No.* 62.]

Feb. 6. **1324.** Council of Trade and Plantations to the Earl of
Whitehall. Sunderland. Enclose following for H.M. signature.

1324. i. The Queen to Col. Jenings. Instructions to move the Assembly of Virginia to pass a new law touching the admeasurement of ships, with reasons for the Repeal of the Act of Revenue, 1705. (*See Jan.* 5 and 25.) It is our Will and Pleasure that you do not give your consent to any new Law wherein shall be contain'd any of the clauses relating to Naval Officers' Fees, the qualification of Councillors and their salaries. *Countersigned*, Sunderland. Kensington, Feb. 14, 1707. [*C.O.* 5, 1362. pp. 282–286.]

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Feb. 9.

New Yorke,

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1325. Lewis Morris to [*? the Earl of Sunderland*]. I was intrusted by the Assembly of New Jersie to transmit you a letter from the Speaker, a petition from that House to the Queene, a Remonstrance made to H.E. my Lord Cornbury, and some affidavits taken before them. All wch. I sent by severall conveyances, and they allso come with this with an adition of what has been done since, which is a reply made by that House to an answer of his Lordship's to them. I did not transmit his Lordship's answer because I had no directions from the Assembly to do it, and because I did suppose he would take that care, being what he vallued himselfe verry much upon, but I believe consideration has abated that good opinion he had of it when the transports of his passion were recent, and perhaps has been a meanes of hindring its coming to your hands or of making those alterations without which he could not but know he would before so competent a Judge verry much arraigne himselfe in his assertions about the powers of the House of Commons or (pardon the expression when 'tis us'd comparatively) of the Generall Assembly of New Jersie. I therefore send it as he caused it to be printed at New Yorke, and would advise that the severall Assemblys of the Plantations be directed from time to time to send coppies of their Journalls to one of H.M. Principall Secretaries of State directly from themselves, and if some such methods were taken with the severall councills I am verry much deciev'd if the accotts. you recieve were not much more to be depended on than now they are. How just my Lord has been in his representations of men and things he best can tell, but if from what has been seen of them here an estimate may be made of what has not, truth or indeed a good judgment is what is least to be expected in them, and a character whose veracity is not to be depended on is not the fittest to command Provinces. Such persons ought to be strangers to mean compliances, but when they prostitute their reputation and fall victims to an avaritious temper, stooping to sordid measures for gaine, become the merchandize of factions and prise of the highest bidder, what are the ills not to be expected under such an administration, or rather, what is the good to be hop't either to H.M. or her subjects; but to leave this which however true looks too much like resentment; to give some light to the papers before you, I shall give your Honour ye state of that Province when my Lord arrived and what 'tis now. When he arrived there he found it divided into two parties, the one called Hamilton's and the other Basse's partie, not to trouble your Honour from whence they rose, Hamilton's partie in that now called the Easterne division of New Jersie, formerly East New Jersie, consisted of the Gentlemen of the best figure and fortune and majority of the people, Basse being formerly an Anabaptist minister, those of that religion, some quakers and a misclanious mob where of his partie. In the Western division ye Quakers and by verry much the greater part of the people where of that called Hamilton's partie. When my Lord's Commission was publisht it was the endeavours of both these parties to be

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uppermost, that of Basse's haveing, dureing the unsettled state of that Province, been guilty of severall irregular actions, endeavoured his Lordship's countenance, in order to procure an Act of Indempnity in their favour; and many of the other partie where not for obligeing them in that point. When the time came for the choice of Assembly men, ye writs (according to H.M. directions) appointing the qualification of the Eleced to be 1,000 acres of land, and of the Electors to be 100, verry much disoblighed a great number of persons, and ye mob in generall, because the choice was taken out of their hands, and that made the majority of the Easterne division consist of that called Basse's partie; but notwithstanding, by an artifice of the other partie, they lost the feild in the Election. In the Western division Hamilton's partie carried it to a man, so that the first Assembly consisted of that partie called Hamilton's. There was in that Province a third partie, or rather a partie within a partie, who had designs of their owne, abstract from government, and these were Proprietors, these, haveing uppon the surrender of their government obtained a certaine form of Instructions to be given to ye Governours, which should from time to time be sent into New Jersie, thought themselves secure in the Governour's obedience of them, and were encouraged by my Lord's promises, to think they might safely depend, he would not faile in the performance of what was so much his duty and intrest to do; but after some time, being better acquainted with his character and considering that if he should breake them; that such was the vast distance from England, the difficulty that attends applications in controverced cases, the possibility (after all) of their being thought in the wrong, and of being misrepresented; that, should they meet with success, yet it would be so long a time first, that the mischiefs they might suffer would be irreparable; they chose to make more sencible applications to my Lord, then bare words. And accordingly Dr. Johnstone waited on him with 200*l.* at twice as is exprest in his affidavit. That partie of Basse's haveing mist of being in ye Assembly and haveing made some endeavours to procure an Act of Indempnity which proved ineffectuall; had recourse to other measures; and it haveing got wind that his Lordship reced. money of Dr. Johnstone, and guessing the sum much bigger then realy 'twas, began to entertaine some hopes, very justly conceiving that he that was not prooffe against one sum, would not withstand another; and, since he was to be purchas'd, resolved to bid for him; and being encouraged by his confident Dr. Bridges, Chiefe Justice of New Yorke, since dead, they raised the severall sums mentioned in the affidavits and many more that we cant yet get accounts of, as we judge to ye value of about 1,500*l.* This money was paid to one Richard Salter (who had been presented by a Grand Jury for felony under the former Administration), and to one Capt. John Bowne, both which persons travail'd through the Province, and by untrue insinuations perswaded the raising of this money. They are both protected and honoured by my Lord, and what places he can

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well bestow given them. Bowne was a Member of the Assembly and by them expell'd for refusing to tell what he did with the money. Salter kept out of the way and could not be got ; but while he kept out of the Serjeant's way, my Lord admitted him to his company, and sent for a boat and had him shipt over into Pensilvania Government. By all which your Honour may perceive, what it is yt. hinders it from being fixt on my Lord ; and that it cannot be well knowne how these persons dispos'd of that money, except H.M. thinke fit to order them to be sent to England, and examined there, or till an honest man be sent in my Lord's roome. It can be proved (without Bowne and t'other) that 'twas given to Dr. Bridges in my Lord's house, and there is all the reason in ye world to believe his Lordship had it. But the effects yt. it has had and the service or rather disservice it has done H.M., I shall endeavour to show. My Lord proposed to this first Assembly to raise a revenue for the suport of H.M. Government ; I was then of H.M. Councill, and I privately askt him, what sum he thought would do ; he told me 1,500*l.* a yeare. I had some influence over the most leading men of that Assembly, to whom I proposed it ; but all I could say did not prevaile with them to come up to that sum. 1,000*l.* a yeare for 3 years they would give (and indeed it's a wonder they ever came so farr at once, the greatest tax that had ever been raised being 675*l.*, and at that the people were ready to run mad and would never pay it), that not pleasing, they were adjourned till a further time. In the intrim this money I have been speaking of was paid ; and the contributors did oppenly boast of their assurance of haveing that Assembly dissolved, whether the fears of ye partie that was then uppermost of haveing that Assembly disolv'd, or what it was that wrought upon them, I can't tell ; but they thought it adviseable to come up to my Lord's proposall of 1,500*l.* per annum for 3 years. Whether they had past a vote or not my memory won't serve me ; but I think they past a vote for it ; and no sooner was my Lord assured of that but he dissolv'd them. It was now no longer a doubt he had been promist more, besides other prevailing arguments ready downe ; and an assurance they could carry the majority of the Assembly ; but it was something surpriseing that any man in his right witts should part with a certaine 1,500*l.* a yeare for an uncertainty, and depend upon promises wch. any man that could see an inch before his nose might be morrally assur'd was not in their power to performe. A new Assembly was chosen, which demonstrated the vanity of their promises, and the folly of depending on them. However, the best was to be made of a bad market, and the buisness was to be done per fas aut nefas, and the way they tooke was as follows. The majority of the Assembly, consi[s]ting of those who were enemies to yt. faction, who by bribery had procured their dissolution, and it being impossible to obtaine the end, the contributors had promis'd, without getting some of them out of the House, when therefore the Assembly came to be sworne (which is done before the Governour in Councill), Thomas Revell and Danll. Leeds Esqs.,

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two of H.M. Councill, objected against three of the Members chosen to serve as being unquallified, upon which my Lord refused to sware them, by this means they got the majority by one. Some little time after ye same Gentlemen present to that faction of a House the following which they call'd a Petition [see No. 1325.i.]. This 14 daies they askt they thought to be time enough to accomplish their designs, but that not doeing, the hearing of them was defered from one time to another till they had done what they intended. At last the matter came to a hearing, but neither Revell nor Leeds ever so much as appeared to justifie their allegations, ye end being answered for which they did it. Well, the Assembly even that faction of ym. when they had examined the matter were sattisfied they were qualified, and sent two of their Members to desire my Lord to sware ym., wch. he refused to do, pretending he was the Judge of their quallifications, and that upon his determination they were to be admitted or refused, and so he kept them out about eleaven months. Perhaps of ye kind there has hardly been a greater complication of villany. Among other Acts they past then there was one to raise a Revenue of 2,000*l.* a yeare for 2 years, and in that he consented to lay taxes upon uncultivated lands, which was direktly contrary to his Instructions, another Act for laying out high waies, and another to settle the Militia, all wch. had the following effects. In the Militia Act the Quakers that could not for conscience, forsooth, beare armes was to pay a certaine sum yearly, and forfeitures were laid upon other Defaulters, but there was no provission made to returne ye superplusse of ye distresses, if any such thing should be. My Lord had made a set of Officers sutable to his turne, to say no more of them, these were punctuall in makeing distresses, and generally above ten times the value, wch., when they came to expose to sale, nobody would buy, so that there is or lately was a house at Burlington, fill'd with demonstrations of ye obstinacy of the Quakers, there was boots, hats, shooes, cloaths, dishes, plowes, knives, earthenware, with many other things and these distresses amounts, as is said, to above 1,000*l.* a yeare, almost enough to defray the charges of ye Government without any other way. The layers-out of the high way were appointed by the Act, and such as were ye most inveterate party men, and such as were resolved to be no more wanting in their part of mischief, then ye Militia Officers were in theirs, and as fit for the turne of such a faction of an Assembly as the other were for such a Governour; they pull'd downe their enemies' inclosures, laid waies through their orchards, gardens and improvemts.; there was one Gentleman at whom they had an extraordinary pique, and they laid a way over a millpond to necessitate him to pull downe dam and mills that could not be erected for 1,000*l.*, or to pull it down themselves, though the Gentleman offer'd to build a bridge over the streame at his owne charge, $\frac{1}{4}$ of mile distant, which would have been $\frac{3}{4}$ nearer, and better way. To be short, they were truely industrious and fully answered the end of their makers, never omitted an ill turne they could do,

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and allwaies went out of their way to do it. The Revenue Act, though the money was to serve two years, yet it oblig'd the payment of it in one. It was a vast sum for that Province and the makers who by laying of a tax upon land, thought it would fall easie upon their owne partie, who had but small tracts, found the success did by no means answer the expectation : for though it fell heaviest upon ye men that had great tracts of land, yet they were better able to beare it, and their numbers were inconsiderable compared wth. ye whole, the poore it undid, for, having to purchase the oppertunity of plagueing their neighbours, and of giving so much money (for that was all they got except the putting of a percell of scabs in office), paid all ye money they had or by their credit could get, and the bonds they had given becomeing now due, and the tax and that to be both paid and they haveing no money, and their credit pawn'd for above the value ; it's not to be exprest ye confusion and perplexity they were in. The whole Province was fill'd with murmurs and complaints ; but neither that nor ye hearty curses they liberally bestow'd upon the villains that were ye authers of their sufferings avail'd anything, they were forced to get money, some by takeing it up at 10, 20, 30 and more *per cent.* intrest, those whose credit would not go, even on ye most desperate tearms, was forc't to sell wt. they had yt. was vendible to raise the money, and very many there was yt. sold good milch cowes to raise 6s., by this means yt. tax was paid and that comeing upon ye neck of the money raised to give his Lordship, and ye extravagant distresses from ye Quakers has so impoverisht New Jersie that they are not only unwilling to raise a support for a wretch, who, by the whole conduct of his life (here) has evinct yt. he has no regard to honour or vertue ; but they are also unable to raise such a suport as he saies H.M. demands, which is 1,500*l.* per annum for 20 years. There has no occasion offer'd but H.M. has exprest abundance of tenderness for that People, and they have no other inducement to beleive this demand is really H.M.'s, as 'tis said to be, but that there is a kind consideration of ye inabilities of ye People, who were not able to give 2,000*l.*, and therefore H.M. abates 500*l.* per annum. Had they not been dreined by their private and publick taxes they had been able to do it, but now they are not. 1,000*l.* is the utmost they can do, and whoever acquaints the Queen they are capable of doeing more does not understand that Province and abuses H.M. I beleive in few years they may be able to raise above 1,500*l.* ; and whatever they are able to do they will be willing, under the administration of any person yt. does not invade their liberties, and equally administers ye laws ; but they think no consideration obliges them to suport oppression. As to ye raising a Revenue for a certaine time, especially so long a time, tis what they are utterly averse to, for ye instances of ye misaplication of ye Revenue, in the neighbouring Government of New Yorke are so many, and the extravagancie of its aplication in New Jersie soe great, that its in my opinion impracticable to perswade an Assembly in this part of America to trust a Governour after my Lord Cornbury.

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When I spoke of the extravagant application of ye Revenue of New Jersie, I forgot to add the difficulty of knowing how 'tis applied; for though H.M. directs that ye Assembly examine ye accots. of ye disposall of money raised by them, yet ye Governour eludes ye ends of that Instruction, and protects one Peter Fauconier, a Frenchman, Receiver Generall in that Province, from giving the Assembly the satisfaction they ought to have, the fact is thus. The Assembly order'd Fauconier to lay the accots. before them, he did, and severall articles there were, wch. they thought very extravagant, they directed him to bring his vouchers, the answer he returns is (if I remember), he is accountable to ye Auditor Generall, and without my Lord's direction he cannot do it, wch. he has not had, nor is not like to get, and there it sticks. If this and what's inclosed lets your Honour see ye state of New Jersie, I have my end. I ad that it's ye imprudent conduct of ye Governours, to call it no worse, that has been ye great prejudice of H.M. service in America, the various kinds of injustice and oppression, ye sordid and mercenary measures they have taken, the mean things they have stoop't to, the trash of mankind that has been their favorites and tooles, and by them raised to posts of honour and proffit, as rewards for accomplishing ye worst ends, has stunted the growth of these otherwise thriving plantations, and you may easily judge what effects are ye unavoidable consequences of such causes except mankind can be brought to love such things as by ye principalls of Human nature they must necessarily hate. 'Tis this has fill'd ye Charter Governments with people and makes them fond of supporting an Administration in wch. they can call their governour to account and punish them for male administration without ye uncertaine and tedious success of application to courts, and were it not for ye stingeness and narrowness of their principles (pardon this disagreeable truth), the Governments under H.M. more imediate administration had long ere this been thin'd of inhabitants and when a way is found that governours may not do acts of injustice with impunity ye Charter Governments wont long subsist. All the apologie I shall make for ye length of this is that I mean it for H.M. service, and hope ye goodness of ye intent will induce a pardon for ye meannesse of ye performance, and, did I not fear tiring your Honour, would enter into ye state of ye Province of New York, but I hope some abler hand has done this Province and my Lord Cornbury so much justice as to lay before you an Administration no where so exactly parralel'd as in that of Gessius Florus, Governour of Judea, and has told you that H.M. Revenue here is nigh expiring, and will certainly fall if some elce ben't sent in my Lord's stead. We are told Sir Gilbert Heathcote has made some intrest for his brother Col. Caleb Heathcote, he will be a man to ye generall satisfaction of ye People, and at this juncture to obtaine a resettlement of H.M. Revenue no man fitter. I know no man understands ye Province or People better, or is more capable of doeing H.M. reall service, he is an honest man and the reverse of my Lord Cornbury, of whom I must say something wch.

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perhaps no boddy will think worth their while to tell, and that is his dressing publiqly in woman's cloaths every day, and putting a stop to all bulbique buisness while he is pleaseing himselfe wth. yt. peculiar but detestable magot. It is not good manners perhaps to pray from a Secry. of State a line in answer, but I have soe much reason to feare ye intercepting of my letters that I would intreat some notice of ye receipt of this, and that for your owne sake as well as mine, to prevent your being troubled with a second Edition, with additions presuming you like long letters except where it cant be helpt as little as does—. Much honrd. Sir, I was here concluding, but the ill performance of my amanuensis makes it necessary to entreat your excuse for it, he had been us'd to write in mercantile affaires, wch. I suppose has made him use figures so much, and should I transcribe it I should miss this post and possibly the conveyance by the mast fleet. *Signed, Lewis Morris. 10 pp. Enclosed,*

1325. i. Petition of Tho. Revell and Daniell Leeds, desiring 14 days time further more fully to inform the House as to their charge against the three Representatives, etc. *Copy. 1 p.*

1325. ii. Assembly of New Jersey to [*? the Earl of Sunderland*]. We send you some evidences taken before ye House of Representatives concerning ye private raising of severall considerable summs of money, 200*l.* of wch. is proved to be given to my Lord Cornbury and wee have great reason to believe ye rest was also given to him, or rather to Dr. Bridges, since dead, and by him to my Lord Cornbury. It is certain ye contributors did designe it for him, and nobody could gratifie them in the things they desired but his Lordship. Richard Salter, ye person yt. went about to perswade ye raising of money for these ends, keeps out of ye way, and John Bowne, to whom ye money was payd, and in whose name the Bills were taken refuses to swear how he disposed of ye money payd to him, etc. *Signed, By order of the House of Representatives, Saml. Jenings, Speaker. May 5, 1707. 1 p.*

1325. iii. Reply of the House of Representatives of New Jersey, Oct. 24, 1707, to H.E.'s Answer (*No. v.*). *Printed. 12 pp.*

1325. iv. Freeholders and Inhabitants of the Eastern Division of New Jersey to the General Assembly. The Public Records of East New Jersey, formerly kept in the Secretary's Office, are now in the custody of Peter Sonmans, an absconding bankrupt from England, who calls himself Agent to the Proprietors of the Eastern Division, and is not known to have any certain abode. These records have been carried out of the Eastern Division, but where and how disposed petitioners cannot learn. *Pray* that they may be committed to some person of visible estate and good reputation within the Eastern Division. *Signed, Saml. Dennes,*

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- Saml. Hale, John Blomfield, Ephraim Andrews (*mark*), John Pike. 1 p.
1325. v. Remonstrance of the Assembly of New Jersey and Governor Lord Cornbury's Reply, May 8 and 12, 1707. *See* Nov. 29, 1707. *Printed.* 8 pp.
1325. vi. General Assembly of New Jersey to the Queen. May 5, 1707. Petitioners lay at H.M. feet an account of the hardships they indure under the administration of Lord Cornbury. *Repeat* charge that he was bribed to dissolve the first Assembly and to refuse to swear the 3 Members in the second, upon the groundless suggestion of Revell and Leeds, who when the Assembly appointed a day of hearing never appeared to justify their allegations. The Assembly found them duly qualified, but H.E. kept them out nigh 11 months, pretending he had a right to judge of their qualifications, a great violation of the rights and liberties of your Majesty's loyall subjects here and an assuming to himself a negative voyce to the Freeholders' election of their Representatives, and by which means he procured the passing of severall Laws, which have and do greatly oppress your Majestie's loyall subjects, and have so farr impoverished them that they are incapable of raising such a Revenue for the support of your Majestie's Government here as is desired of them, or as otherwayes they would be inclin'd to do. *Pray* to be relieved from the arbitrarie and illegall practices of H.E., and that H.M. will appoint a Governour that is not Governour also of New York, since their low circumstances are such that they are not able to pay the salary of a Governour and the extraordinary charges of his travelling from New York and back again, *etc. etc.* *Signed,* By Order of the House of Representatives, Saml. Jennings, Speaker. Divers of the Members of this Assembly being of the People called Quakers do all assent to the matter and substance of the above-written, but make some exception to the stile. 1 p.
1325. vii. Depositions made before the Committee of Assembly of New Jersey, April, May, 1707, as to the collection of money by Richard Salter, and paid to Capt. John Bowne, to obtain an Election of Assemblymen, to appoint officers to the good liking of the people, and to be freed of quit-rents, *etc.* Deponents' names:—Joseph Fitzrando, Wm. Lucar, Saml. Dennes, Isack Whitehead, Benjamin Ogden, Jonas Wood, John Woodruff, John Pike, George Drake, Benjamin Hull, John Langstaff, John Johnstone, Anthony Woodward, Safty Grover, George Allen, Asher Clayton, John Clayton, Wm. Lawrance, John Royce, Elisha Parker, Edmond Dunham, John Drake, John Woolly. *The depositions contain the names of many other subscribers.* 8 closely written pp. [C.O. 5, 1091. Nos. 13, 13.i.-vii.]

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[Feb. 10.] **1326.** Sir T. Laurence to the Council of Trade and Plantations. In pursuance of Order of Jan. 22, prays that, in order that it may be known whether the value of what has been taken from him amounts to 600*l.* as alledged, the next Assembly of Maryland may be directed to return an account of Ordinary Keepers 1703-1707, and of the sums paid by them *etc.* This cannot be obtained till the end of 1709. *Signed*, Thomas Laurence. *Endorsed*, Recd. 10th, Read 12th Feb., 170*½*. 1 p. [C.O. 5, 716. No. 41 ; and 5, 727. pp. 19, 20.]
- Feb. 10.
Whitehall. **1327.** W. Popple, jr., to Major Pilgrim. The Council of Trade and Plantations desires to speak with you upon your Memorial of Jan. 26, *etc.* [C.O. 29, 11. pp. 200, 201.]
- [Feb. 10.] **1328.** Sir John Colleton to the Council of Trade and Plantations. James Colleton is lately dead, and his son John now endeavours to get himself appointed one of the Council, in order to delay his suit. *Enters* a caveat against his appointment. *Endorsed*, Recd. Read Feb. 10, 170*½*. 1 p. [C.O. 28, 10. No. 63.]
- Feb. 10.
New York. **1329.** Governor Lord Cornbury to the Council of Trade and Plantations. Encloses following. I received it some few hours agoe. I shall not pretend to add anything to what they have said, nor to diminish from it, they are most of them much better acquainted with the people of that Province then I can pretend to be, and consequently are better able to represent the true interest of the Country then I can, though I think I may without vanity say that I am not a stranger neither, to the Countrey nor the People, their interests, nor inclinations *etc.* *Signed*, Cornbury. *Endorsed*, Recd. May 19, Read June 2, 1708. *Holograph*. 1 p. *Enclosed*,
1329. i. Lt.-Governor and Council of New Jersey to the Council of Trade and Plantations. Enclose following, and beg their Lordships' good offices in forwarding it to H.M. *etc.* *Signed*, Rich. Ingoldesby, Robt. Quarry, Tho. Revell, Daniel Leeds, Dan Coxe, Ric. Townley, Wm. Sandford, Wm. Pinhorne, R. Mompesson. *Endorsed as preceding*. 1 p.
1329. ii. Lt.-Governor and Council of New Jersey to the Queen. We having seriously and deliberately taken into our consideration the proceedings of the present Assembly, thought ourselves bound both in duty and conscience to testify to your Majesty our dislike and abhorrence of the same, being very sensible that the unaccountable Humours, and pernicious Designs of some particular men have put them upon so many irregularitys with intention only to occasion diversions and distractions to the disturbance of the great and weighty affairs, which both your Majesty's Honour and Dignity as well as the Peace and Welfare of the Country required. Their high incroachments on your Majesty's

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Prerogative Royall, notorious violations of the rights and libertys of the subjects, manifest interruption of Justice, and most unmannerly treatment of H.E. the Lord Cornbury, would have induced us sooner to have discharged our duty to your Majesty, in giving a full representation of the unhappy circumstances of this your Majesty's Province and Government, had we not been in hopes that H.E. Lord Cornbury's full and ample Answer to a most scandalous Libell, called a Remonstrance of the Assembly, which was delivered to the Governour by the Assembly at Burlington in May last, would have opened the eyes of the Assembly and brought them back to their reason and duty. But finding that those few turbulent and uneasy spiritts in that Assembly have still been able to influence and amuse the judgment of many well meaning men in that Body, as appears by another late scandalous and infamous Libell, called the Reply of the House of Representatives [*dated* Oct. 24, 1707. *See* June 18, 1708], we are now obliged humbly to represent to your Majesty the true cause, and what we conceive may be the remedy, of these confusions; The first is wholly owing to the turbulent, factious, uneasy and disloyal principles of two men in that Assembly, Mr. Lewis Morris and Mr. Samuel Jennings, a Quaker, men notoriously known to be uneasy under all Government, men never known to be consistent with themselves, men to whom all the factions and confusions in the Government of New Jersey and Pennsylvania for many years are wholly owing, men that have had the confidence to declare in open Councill, that your Majesty's Instructions to your Governours in these Provinces shall not oblige or bind them, nor will they be concluded by them further than they are warranted by Law, of which they will also be the Judges; and this is done by them, as we have all the reason in the world to believe, to incourage not only this Government, but also the rest of your Majesty's Governments in America, to throw off your Majesty's Royal Prerogative, and consequently to involve all your Dominions in this part of the world, and the honest good and well-meaning people in them in confusion, hoping thereby to obtain their wicked purposes. The remedy for all these evils is, that your Majesty will most graciously please to discountenance these wicked designing men, and show some dislike of this Assembly's proceedings, who are resolved neither to support this your Majesty's Government by a Revenue, nor take care to defend it by settling a Militia. This last Libell, called the Reply, came out so suddenly that as yet wee have not had time to answer it in all its particulars, but do assure your Majesty that it is for the most part false

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in fact, and that part of it which carries any face of truth, they have been malicious and unjust in not mentioning the whole Truth, which would have fully justified my Lord Cornbury's just conduct. We begg leave to assure your Majesty, that whenever we shall see the People of this Province labour under anything like a grievance, we shall according to our duty immediately apply to the Governour with our best advice for the redress of it ; and wee have no reason yet to doubt of a ready compliance in him. Wee shall not be particular in, but crave leave to referr H.E.'s Representation of them to the Lords Commissioners for Trade and Plantations. The strenuous asserting of your Majesty's Prerogative Royall, and vindicating the honour of your Governour, the Lord Cornbury, will in our humble opinion be so absolutely necessary at this juncture, that without so doing your Majesty will find yourself deceived, either in your expectation of a Revenue for the support of the Government, or a Militia for its defence. In hopes your Majesty will take these important things into your consideration, and H.E. the Lord Cornbury with the Members of your Majesty's Councill into your Royal Favour and Protection, Wee shall conclude with our most fervent prayers to the most High to lengthen your days, *etc. etc. Signed and endorsed as preceding. Copy. 4½ pp. [C.O. 5, 970. Nos. 55, 55.i., ii. ; and (without enclosure ii.) 5, 994.A. pp. 413-415.]*

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Bermuda.

1330. Lt.-Governor Bennett to the Council of Trade and Plantations. Your Lordps.' of May 9 I received on Aug. 25, and answer'd it by the way of Virginia, Sept. 22 last, haveing had repeated accounts that that Fleet would sail for England in October, but I now understand it will be the spring first. I am very much concern'd I did not send my packt. into the West Indies in order for the packt. boat, least I may suffer in your Lordps.' opinions as neglecting my duty in not writeing. As for what your Lordps. require of me in the first paragraph of your letter, I shall be very punctual in performing the same. According to your Lordps.' commands, I enclose a list of the present Council, and also of such persons as I would recomend *etc.* Your Lordps. likewise require to be informed what number of inhabitants there are *etc.* The reasons those demands in my Instructions have not been complied with, were least they should have fallen into the hands of the enemy, which might have been of evil consequence, and therefore doe pray leave to defer sending such accounts, and what else is here not answered, untill Col. Anthony White and one Capt. George Tucker embarke for England, which will be in about 6 weeks, either in a ship that's now in the harbour, or by the way of the West Indies, and take passage in the packet-boat, and they shall be soe instructed as to be capable to satisfy your Lordps. in every particular. Their business home is to

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sollicit the affairs of this Country (being appointed for that purpose by Act of Assembly), but more especially in all things relating to Mr. Jones, the inhabitants in general thinking themselves very much injured by him ; and I have been desired by the Council and Assembly to pray your Lordps. that the hearing any further matters wherein he is concern'd may be suspended till the afore-mentioned gentlemen arrive. As for comodities exported from hence to England, there are none that's of the growth of the Country, excepting platt ware (which is made of palmetta leafs) and of that but very inconsiderable parcells not worth mentioning. That which is chiefly exported is whale oyl, platt ware, onions and cabages, which are carryed either to Barbados, the Leeward Islands or Jamaica, and with the produce thereof they purchase such dry goods as supplys the inhabitants with necessary clothing, rum, sugar and the like. What vessells goes to Jamaica generally in their return take in salt att the Bahama Islands, which is carryed att the fall of the leaf to New England, Virginia, Pensilvania, New York and other places along the Continent, and there turn it into beef, pork, corn, bread, etc., as the owners think fitt to order, which is either brought directly hither, or they take in ffreight for the Southward to make up a full load, and this is the usual way of trade the inhabitants of these Islands follow ; and from the aforesaid places are furnished with such supplys and manufactures as were wont to be brought from England in the Company's time (excepting what goods are sent by Mr. Charles Noden, Agent to H.M. Independent Company of ffoot, as a fund for subsistance). There hath been also within these two years three sloops that belongs to this Country went to Newfoundland, and loaded with ffish, and soe return'd to the Southward, but whether that trade will be followed I cannot say ; also onions and cabages are carryed from hence to Curacao, and in their return take in a load of salt and then to the Northward as aforesaid, likewise several vessells have taken in ffreight from the Northward to St. Thomases, but when they come in here from either of the said ports, more particular care (if possible) is taken to have them thorowly searched. The present methods that are used to prevent illegal trade is, that all vessells arriveing here doe come to an anchor in the Castle or Town Harbour (unless by extremity of weather they are forced to goe in att the West end of these Islands to secure themselves) where imediately a searcher goes on board and makes what possible enquiry he can, and reports the same to the Collector, who, after entering with him and Naval Officer, he gives a permit for unloading, which all vessells doe in one of the aforementioned harbours, and are obliged to load in the same. The number of ships as are belonging to these Islands a list thereof is inclosed. Also therein is an account what number and what sort have been built here since the Act of registering vessells was made, which is as far back as I can goe with any certainty to informe myself. And as for the number of seafaring men, I desire to refer to Col. White. All the manufactures settled here since tobacco failed, are building of cedar vessells, making

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of platt ware, nests of tubs and pailles, chairs, stools and such like. The quantity of whale oyl made here one year with another, since my arrival, has been about 6,000 gallons, one third whereof comes clear to me free of all charges, which to be sold here would not reimburse me the 100*l.* sterling which is deducted out of my salary for the benifit of that ffishery, soe that I am obliged to run the hazard of sending it abroad for a markt. As for any other ffishery, there's none but what is for the supply of the inhabitants. My case is equally as hard in relation to the land I hold, which is called 12 shares, but upon a survey there could be but 9 found, for which I pay 60*l.* a year sterl., and for the three last years I did not make that summe this country mony, and I affirm that all the rent I recd. for the last half year was but 19*l.* 12*s.* 0*d.*, the land being soe impoverished that the tennants are continually aquitting. The Act of Union was published here on Sept. 1, in a most solemn manner. As for Mr. Baron renewing his complaints, I admire att it, haveing been advised that my Lord Bishop of London, as a person concern'd, had acquainted yr. Honble. Board that his Lordship was satisfyed, and on course concluded that matter was over; but I presume before this can arrive, my brother has been with your Lordps., and given full satisfaction how groundless his demands have been on me. He has taken a great deal of pains to prove himself ungreatfull, and to provoke me to expose him. In his last application to your Lordps. he has made an addition by saying I have received the rents of the glebe lands and other matters, by which I know not what he means, but desire he may explain himself; and further goes on that I have procured severall affidavits from persons of ill reputation, highly reflecting on his gown. The examinations taken were by a Committy of Assembly, which, when they were sent to me in Council from the House, I was astonished to hear such proofs of his lewdness, which, as he says, highly reflects on the Gown. My meaning for refering his former petition to the Assembly was that he might have justice done him according to your Honble. Board's Order, for if he had mony due to him, it must have been from the Country, not me, and as for the certificate he depends on, he knows the Council in general refused to signe it, and those four that did was through my desire, but I did not then know his vitious practices. H.M. Additional Instruction relateing to the devolution of Govermt. upon my death or absence has been read in Council and entred on the Council Books. I have received also your Lordps.' of June 26, and shall take all possible care that what powder I lend out of H.M. stores (which has happened but very seldome) shall be repaid by better, that being the chief inducemt. for my soe doeing. As for the letter your Lordps. are in expectation of in my own vindication, it was inclosed in my aforementioned packet sent via Virginia, dated Sept. 22nd, which I then thought was the most expeditious way: the reason I could not perfect it sooner was that the first return the Assembly made in answer to those of Mr. Jones his articles which related to their House, was not soe full as I thought

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the allegations required, therefore was forced to delay it till an other sitting. But it is now herewith sent, and I hope will demonstrate my innocency, and convince your Lordps. of the barbarous treatment I have mett with, to my very great and constant fatigue, and expence, in defending myself agt. the calumnies and inventions of Mr. Jones and his party, who[m] have been continually indeavouring my ruine, and to disturb and unhinge this Govermt. And as for my answer to Mr. Nelson's scandalous and rediculous accounts of passages etc., June 13, 1706, I hope noe other is expected than what is incerted in mine Feb. 27, 1704. I shall have regard to Sir E. Northey's opinion, relating to the probate of wills. Your Lordps. remind me of that Clause in my Instructions, which requires me to transmitt the Minutes of Councill, etc., etc. Which paragraph, with submission, I think implys, I have wilfully neglected my duty, to which I answer that the Minutes of Council have not been transmitted (saveing as being sent in my aforementioned packt. via Virginia) but are now herewith inclosed, and as for Journalls of the Assembly, they have twice, but if miscarried, I can't help that, and hope such accidents are not imputable to me. But I believe they are not lost, for my brother recd. them from me, comenceing from the begining of my Govermt. to Sept. 13, 1706. Also att the same time the Navall Officer's lists of vessells entred and cleared to Sept. 19, 1705, which I desired he would deliver into Mr. Popple's Office, but perhaps by mistake my brother laid them among others papers, and forgot it. I have wrote to him abt. them. And as for the accts. of the Revenue, they have long since been examined and past by the Committee of Assembly, nominated by an Act *for raising a publick Revenue*, to enquire into the same (as I have repeatedly mentioned to your Honble. Board), and they were then sent to Mr. Spofforth, the appointed Deputy Auditor, by the Honble. Mr. Blathwayte, to inspect them, but he, being a gentleman often out of order, neglected it, altho often sent to to dispatch them, but they remain'd with him till he died, or near that time, of which I acquainted Mr. Blathwayte, and then I had orders to audit those accts. before me in Council; soon after which Mr. Jones returned here to his posts again, and then the Council refused to sitt or doe any business, nor did till H.M. was pleased to order him home. After his departure, business, which had slept near 17 months, began to revive again, and people were continually pressing and petitioning me and Council, which took up our whole time to bring the Govermt. into it's due regulation; and now we are upon the publick accts., which will be examined and past for transmission by Col. White and Capt. Tucker, as also the Naval Officer's accts. since his last date, and the Journalls of Assembly to this time, if possible to be done. And as I am under danger of being complain'd of to H.M. for what was not in my power to performe, I desire your Lordps. would please to consider that what part of my Instructions have not been complied with and regularly transmitted can not be intirely my fault, ffor I can but require of the Secretary and other Officers to prepare me

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such accts., and when compleated to transmit them. But I am very well satisfyed that more could not be done than has, for the constant disputes and disturbances that have been created by the male-contents, together with the necessary dispatch of daily business of the Govermt., has taken up the whole time of the Secretary, and such help as he could get (myself frequently assisting, after my own letters were compleated), in preparing transmitts for justification of me and Govermt., and if your Lordps. would be pleased to order your Secretary to report the bulk of papers in the Bermuda press's, your Lordps. will be convinced we have not been idle. Besides, your Lordps. can have but one third of what has been sent, allowing duplicates are preserved, for the same generally goes to the Secretary of State, and also to my brother; soe that there's six copys from the rough draught, and sometimes triplicates have been sent, when miscarriages or interceptions happened, of which the latter has been more frequent than the former. For by Mr. Dummer's course of packet-boats (which he frequently sends me) I have observed that those vessells have arrived safe, that my letters (by advice from Barbados) have been sent in. My Lords, I have had soe much experience of the inveterate malice of my enemys, that they have nor will not leave anything uninvented nor unpracticed, if possible thereby to gain their ends: and further, I have with pleasure been an unwearied slave to H.M. service by my attendance in all weathers, till the ffortifications were compleated, and by teaching and instructing the Militia, my care and pains in which has been soe observable that the Council have prayed and sollicitied me to have more regard to my health. But now all those fatigues are over, for the fforts are in such order as to be capable of doeing good service in case of an attempt; and the Militia under that regulation as to have the character of being as good as any in the West Indies. The apprehension (and the consequences) of being represented to H.M. as haveing neglected my duty, obliges me to repeat these things, for it would be heartbreaking to me to be recalled in disgrace, after serveing the Crown both in the fleet and army these 17 years, and was never reproached nor disputed till I was prefer'd to this Govermt., but my enemys' machinations were allways found malicious and self-interested, as I doubt not but they will now be, for those that are my persecutors designe to advance their fortunes by my fall, to prove which two letters have lately arrived here to the male-contents, one I am satisfyed was signed by Mr. Jones, if not both, but the bodys of them were written by Mr. Nitchell his clerk. The contents are to advise them to be of good heart, for that he doubted not but to turn out the Devil, and that Belswager was zealous for the cause, and Jack-in-a-box lay by for the vacancy. The key to this cant was explain'd by one of the party to be thus. The Devil is meant me, Belswager, Parson Baron, Jack-in-a-box Mr. Castleman, who is to succeed me, and they are soe very sure of effecting their designe, that in one of these letters is incerted the names of two persons of great interest and quality, who[m]

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have promised (as 'tis said) to assist Mr. Castleman therein. But I know those gentlemen soe well that they scorne a dishonorable action. My Lords, I entreat you'l consider how unfair and unpresidented managemt. this is, and then, I hope it will not be thought reasonable such men's allegations should be credited, ffor I defie them justly to accuse me of anything that can reflect on my reputation, either relateing to the trust H.M. has reposed in me, or by being guilty of any loose or vitious behaviour, evil example or doeing anything that was lessning myself in my post, or acting otherwise than became a man and a Christian. I am concern'd I could not answer Mr. Jones his scandalous articulateing letter to your Lordps. in fewer lines then I have. But I pray your Lordps.' patience in enquireing into it, by which I am sure you'l be convinced how monstrous his contrivances have been att any rate to destroy me. I have here inclosed a certificate from Mr. Minors, who was appointed Secretary the whole time of Mr. Jones his suspension, which shows I had no benifit from that office, therefore hope I shall not be made accomptable for the rents, issues and profitts of the same; and I aver Mr. Jones never did demand or desire of me any acct. whatsoever relateing to the Secretary's Office, for he very well knew I had no advantage by it, but Mr. Minors has often told me he threatned to ruine him, which was another motive to me to desire your Honble. Board to direct what should be done therein. Also is inclosed a copy of Greatbatch, his supposed plea to Mr. Jones his declaration, which I hear makes great impression. But I possitively declare, that's not what I ordered to be put in, for I could not be soe great a blockhead to make myself accomptable for what I never recd., for all that I took care of was, to preserve the rent of the land (or as much as I could get of it) that was appropriated to Mr. Jones as Sheriff and Provost Marshall, and to pay it as your Lordps. should order, and for the issues, profitts and perquisites, Greatbatch had them to himself for officiateing and little enough; and to convince your Lordps. that ther's more management in this matter than I can certainly say or find out, inclosed is the affidavit of one Mr. Greatbatch, father to him I put in to be Provost Marshall, whose name is to the plea, but he deposes it is none of his hand-writeing, neither did he ever see or know anything of that plea, soe that there must be forgery and villainy somewhere, and how it came into the Office and when, Mr. Jones best knows, for he was Secretary att that time, and the time of entring a plea is always most carefully sett down, but there's none on this, and my reason why this cannot be thought to be a copy of the original plea is, that if issue had been joyned thereon, and the cause had come to a hearing, the action must have abated upon Mr. Greatbatch his denying he knew anything of that plea, and on course Mr. Jones must have given an account to the Court, how that plea came into the office. This business has occasioned reflections from the people, they saying it lies in the power of the Secretary to ruine them, he having the keeping of the Records, and may shift them att pleasure. Haveing made further enquiry

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concerning the two aforementioned letters written by Mr. Nitchell, I am certainly informed they were both signed by Mr. Jones ; the persons who saw them being well acquainted with Mr. Nitchell's and his hand : But Capt. Newnam (to whom one of them is directed) says the word Divil was not in, but that the expression was, he doubted not but to turn out the Duke. Inclosed are the proceedings of ye Governor and Council here, relateing to the sloop *Rose*, that was seized comeing from Virginia by Mr. Wilcocks, Lieut. of H.M.S. *Trident's* Prize, for clandestine tradeing, and was carrying her to New York according to his Capt., Capt. Davis his orders : But by the means of one Capt. Jewell, part owner of that sloop and on board, she was brought into this Port against the Lieut.'s will. Att *p.* 37 begins the observations and remarks of the Committee of Council and others, relateing to the behaviour of Lieut. Wilcocks, att the severall sittings, which I pray (as I have by this opportunity to H.R.H. the Lord High Admiral and to the Rt. Hon. the Earl of Sunderland), may be considered, or the Sea Officers that are of his temper will not only make H.M. Governors of the Plantations very uneasy, but render them contemptible among the people ; I also entreat that the Lieut.'s usage of Mr. Thomas Burton, H.M. Attorney Generall, which is noted in the Minutes of the Committee of Sept. 2, may likewise be considered. These proceedings were inclosed in my packett sent to Virginia. Also are now sent two Acts of Assembly (*viz.*) one for quieting men's estates ; the other for impowering Justices of the Peace to hear and determine any debt or difference not exceeding the value of 40s., and are two of the four Acts which Mr. Sollicitor General gives his opinion, in order to get rectified. The other two are now under consideration by the Assembly, and shall be transmitted when past. I have from time to time reminded the House of those Acts and gave them Mr. Sollicitor's opinion, and if nothing would be done therein, I conclude I am not to be blamed. Inclosed is a list of all Acts passed in my time, which I desire may be compared with what has been reed., that I may supply what has miscarried, and then I hope your Lordps. will have a collection of all Acts in fforce here. Inclosed is a Bill for encouraging the building a house att the Ferry, which passed the Assembly, but stopt when it came to me in Council, because thereby is granted away two shares of Crown land for 31 years, which I concieve is not in my power to consent to, therefore I send it for your Lordps.' considerations. But I believe noe convenient Ferry-house will be built without the encouragemt. therein specified. Also are inclosed proposalls concerning the same. The inclosed application from the Assembly, on behalf of Capt. Jewell, was presented to me in Council by a Committee of the House, with the request of being transmitted with the proceedings. By the publick acct. I find some of the Provost Marshall's and Sheriff's rents of land, appropriated to those offices, were received by the Treasurer of these Islands, and by him given credit for to the Crown : soe that I hope it may be a further demonstration when those acct. arrive (which will come

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by Col. White and Capt. Tucker) that I had noe thoughts of making any benefit to myself when I suspended Mr. Jones. *Signed*, Ben. Bennett. *Endorsed*, Reed. May 27, Read June 15, 1708. *Holograph*. 15 pp. *Enclosed*,

1330. i. List of vessels built in Bermuda of cedar since March 25, 1698. 3 ships, 17 brigantines, 217 sloops. *Endorsed*, Reed. May 27, Read June 16, 1708. 3 pp.

1330. ii. Certificate that Col. Bennett never received any of the profits of the Secretary's Office. Nov. 20, 1707. *Signed*, Cha. Minors. *Endorsed as preceding*. *Sealed*. 1 p.

1330. iii. Deposition of Rowland Greatbeatch, father of D. Greatbeatch, decd. The following plea was put in without his consent or privity, and his name is not in his handwriting. Daniel at that time was at sea. *Signed*, Rowland Greatbeatch. Dec. 4, 1707. 1 p.

1330. iv. Copy of the plea of Daniel Greatbeatch to the complaint of E. Jones, *referred to in preceding*. He was never Receiver for plaintiff, but, commissioned by Lt.-Governor Bennett in 1703 as Provost Marshall in his place, he paid and accounted for the profits of that office to H.E. *Signed*, Rowland Greatbeatch. *Endorsed*, Reed. May 27, Read June 16, 1708. 1 p.

1330. v.-vi. Copy of a Bill to encourage the building a House at the Ferry, with proposals offered to H.E. in Council by Thomas Attwood concerning the same, Feb. 18, 1707. *Endorsed as preceding*. 2½ pp.

1330. vii. List of Acts of Bermuda passed during Col. Bennett's Government. *Endorsed as preceding*. 1 p.

1330. viii. Copy of proceedings of the Council of Bermuda relating to the sloop *Rose* seized for illegal trade (*see supra*) and brought by Capt. William Joel [*Jewell*] to Bermuda against the will of Lt. Wilcocks, after disarming him and his men. Aug. 7, ff., 1707. (a) Lt.-Governor Bennett's Warrant of Search to Daniel Ubanks, Provost Marshal of the Court of Admiralty. (b) Deposition of John Bow, Nath. Shaw and Charles Lucas as to the seizure of the *Rose* and Capt. Joel's action, *as supra*. (c) Lt. Wilcocks desired liberty to carry the sloop to New York, according to Capt. Davis' original directions. The Board decided that, the season being hurricane time and the cargo perishable, the sloop and cargo should be valued and delivered to their owners, who should give security in double the value thereof to answer H.M. pleasure therein. The owners to provide passages to New York for Lt. Wilcocks and his men. Capt. Joell to be taken into custody till H.M. pleasure be known. (Aug. 14.) (d) Appraisement of the cargo. (e) The bond of the owners, Wm. Joell, Jno. Trimmingham, Nat. Butterfield. (f) Aug. 20. Lt. Wilcocks appeared before the Council and "in a very forward manner" moved that the three

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mariners (b) should be re-examined, and imperiously demanded whether Capt. Joell's men were taken up, and prevented from leaving the country, according to his message to the Lt.-Governor through Mr. Minors, the Secretary. The Lt.-Governor and Secretary denied that any such message had been received. Lt. Wilcocks swore profanely and refused to apologize. His deposition and those of the said mariners were taken after much obstruction, alteration, and vexatious behaviour on his part. He owned that at his first coming he prayed the Governor to grant a Court of Admiralty, if he would not permit the sloop to go to New York. Capt. Joel declared that he agreed with Lt. Wilcocks for 40*l.* to call a Court of Admiralty for trying the *Rose* in these Islands. Mr. Burton, the Attorney General, complained of Lt. Wilcocks' violent and abusive language towards him in public, and of his falsely accusing him of opening his letters. (g) Observations by Anthony White, Michael Burrows and Thomas Brooke, of the Council, Wm. Outerbridge, Judge of the High Court of Admiralty, and Thomas Burton, Attorney. They suggest that Wilcocks wished to avoid taking the sloop *Rose* to New York, where he knew he would get nothing by her condemnation, but wished to extract more than 40*l.* from the owners as a consideration for having her tried at Bermuda. The resolution of the Council disappointed him of either carrying her to New York or trying her here, till H.M. pleasure should be known. He then endeavoured to involve H.E. in the affair, and throw the blame on him. Sept. 12, 1707. (h) Deposition of Walter Mitchel that on Aug. 8 Lt. Wilcocks desired the Governor to call a Court of Admiralty. (i, j, k) Depositions of Thomas Burton, Charles Minors, and the crew of the *Rose* etc. *The whole endorsed*, Recd. May 27, Read June 17, 1708. 55 pp.

1330. ix. Address of the Assembly of Bermuda to Lt.-Governor Bennett. In favour of Capt. Joel. 29 signatures. *Endorsed as preceding. 1 large p. elegantly inscribed.* [C.O. 37, 8. Nos. 53, 53.i.-ix. ; and (without enclosures) 38, 6. pp. 338-365.]

Feb. 10. **1331.** Mayor and Magistrates of Dartmouth to the Council of Trade and Plantations. Repeat complaint as to late sailings of convoys for Newfoundland the last two years, and pray that the fishing convoy sail by March 1st, and the convoy for the sacks by May 31st, from Plymouth direct to Newfoundland. *Signed*, Thomas Floud, Mayor, and 9 others. *Endorsed*, Recd. Read Feb. 10, 170 $\frac{3}{4}$. 1 p. [C.O. 194, 4. No. 56.]

Feb. 10. **1332.** Lt.-Governor Bennett to W. Popple, jr. Refers to enclosures and enquires whether letter of June 25 was
Bermuda.

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received, *etc.* *Signed*, B. Bennett. *Endorsed*, Reed. May 27, Read June 21, 1708. *Addressed*. *Holograph*. 2 pp. [*C.O.* 37, 8. No. 55; and 38, 6. pp. 376-378.]

Feb. 10.
New York.

1333. Governor Lord Cornbury to the Council of Trade and Plantations. I trouble your Lordships with these few lines to acquaint you that, in hopes of yet reaching the mast fleet, I send herewith a duplicate of all the Journalls of the Assembly of New York, since I came into the Province, and the Journall of the Assembly of New Jersey for the two last Sessions. In the last there is the Assembly's Reply to my Answer to their Remonstrance, the Clerk has sent it to me soe lately that I have not had time to make the proper reflections upon it, but I will doe it by the next opportunity, however, I thought it my duty to send the Journall to your Lordships as soon as I could, I hope you will not give any credit to their assertions till I can send you my observations upon it, which shall be by the first opportunity. I likewise send your Lordships duplicates of severall of my letters, which I have not yet heard whether you have received or not. I have nothing new to acquaint you with, only that a most barbarous murder has been committed upon the family of one Hallet, by an Indian man slave and a negro woman, who have muredred their master, mistress and five children, the slaves were taken, and I immediately issued a spetiall commission for the tryall of them, which was done, and the man sentenced to be hanged and the woman burnt, and they have been executed, they discovered two other negros, their accomplices, who have been try'd, condemned and executed. *Signed*, Cornbury. *Endorsed*, Reed. July 30, Read Aug. 17, 1708. *Holograph*. 1 p. [*C.O.* 5, 1049. No. 91; and 5, 1121. pp. 317, 318.]

[Feb. 10.]

1334. Jamaica Merchants to the Council of Trade and Plantations. Certificate in favour of Dixey Percival. *See following.* *Signed*, Bartho. Gracedieu, Benj. Way, and 17 others. *Endorsed*, Reed. Read Feb. 10, 1708. 1 p. [*C.O.* 137, 7. No. 75.A.]

Feb. 10.
Whitehall.

1335. Council of Trade and Plantations to the Earl of Sunderland. Enclose opinion of Solicitor General (Feb. 2) and Jamaica Merchants (Feb. 10) touching Mr. Percival (Jan. 23). We have no objection to his being Attorney Generall of Jamaica, upon the resignation or death of Mr. Hodgskin. [*C.O.* 138, 12. pp. 220, 221.]

Feb. 13.
Whitehall.

1336. Council of Trade and Plantations to the Earl of Sunderland. Enclose following, to be laid before H.M.

1336. i. Council of Trade and Plantations to the Queen. *Repeat* Governor Seymour's statement as to the Council of Maryland. Recommend that John Contee, Samuel Young, Thomas Greenfield and Seth Biggs be appointed Members in the places of John Addison, Robert Smith

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and James Sanders, decd., and of Thomas Brook, to be dismissed for not attending. [*C.O.* 5, 727. *pp.* 23-25.]

Feb. 13. **1337.** Council of Trade and Plantations to Governor Seymour.
 Whitehall. *Refer* to petition of Sir T. Laurence, Jan. 22, Feb. 10, *etc.* We cannot lay the truth before H.M. untill we are satisfy'd in some particulars, and therefore desire you to return us by the first opportunity an account of what persons kept ordinaries from Oct., 1703 to Oct., 1707, what quantities of tobacco have been paid by them, and how that tobacco has been dispos'd of by your Assembly. Repeat directions as to correspondence Dec. 13, 1706, March 13, 1707. We are the rather obliged to remind you of this matter, for that notwithstanding the above direction, we find that you constantly send your letters for Mr. Blathwayt inclosed to our Secretary which is a charge we will no longer bear; and therefore we expect that you send no letters to our Office for the future, but what are for the service of our Board. [*C.O.* 5, 727. *pp.* 20-22.]

Feb. 14. **1338.** The Queen to Governor Parke. Instruction as to
 Kensington. House-Rent as ordered Jan. 8. *Countersigned*, Sunderland. [*C.O.* 5, 210. *pp.* 85-87.]

Feb. 14. **1339.** Governor Handasyd to the Council of Trade and
 Jamaica. Plantations. I take this opportunity by the *Kingston Gally*, since H.M. packett boat is not yet arrived, *etc.* Monsr. Du Cass with nine men of war and one large merchant ship went from Port Lewis about two months ago directly to the Havanna, where he is to stay, as it is supposed, betwixt three and four months from this time. I understand from the Spaniards' report that the mony is come from Lima to Porto Bell in order to be put on board the Galleons. Seven Galleons with one French man of war, severall privateers and other vessells sailed from Carthagene for Porto Bell the fifth of the last month, the other nine they say will not be in a condition to sail till the next year. Mr. Wager has been out and is now going again with all the fforce he can make to endeavour to prevent the Galleons going from Porto Bell to the Havanna: I have been obliged to put on board the men of war 130 men of H.M. Regiment to help to man them, which are all I can possibly spare from doing duty, and I assure myselfe, if the men of war lie undiscovered off the Isle of Pines, and the Galleons come out, they must either take or destroy them. I daily expect recruits for the regiment, in which I hope your Lops. have given your assistance, to put them on board men of war. Our Assembly is now sitting, and I believe will soon have done, they having passed the Quartering Act, the Additionall Duty Bill, and a Bill for the maintenance of prisoners of war: They have made some small alterations in the Quartering Act upon H.M. letter, the particulars I shall be able to send you by the next with the Minutes of the Council and Assembly. There is now a Bill prepareing, which I am of opinion can never be passed. It intrenches on H.M. Royall prerogative and gives

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people a right title to Lands they never had any pretentions to ; I shall endeavour to send it home by the next packett, tho I intend not to pass it, till I have H.M. or your Lops.^s commands. Five or six sloops are returned from the coast with 70 or 80,000*l.* ster*l.*, the advantages are not very great, but it is putting us into the way of trade again, in making returns again for our manufactures. Nine trading sloops will go out within this day or two to the Spanish coast, but I am very apprehensive, so many will spoil one another's trade. One of our privateers has brought in a small prize, but of very little value, *etc.* *Signed*, Tho. Handasyd. *Endorsed*, Recd. May 27, Read June 21, 1708. 2½ pp. [*C.O.* 137, 8. No. 8 ; and 138, 12. pp. 273-276.]

Feb. 15. **1340.** Order of Queen in Council. Tho. Brook is removed
Kensington. from the Councill in Maryland, and Messrs. Contee, Young, Greenfeild and Seth Biggs are appointed to it. [*See* Feb. 13.] *Signed*, John Povey. *Endorsed*, Recd. 4th, Read 5th March, 1707. 1½ pp. [*C.O.* 5, 716. No. 46 ; and 5, 727. pp. 31, 32.]

Feb. 16. **1341.** Council of Trade and Plantations to the Lord High
Whitehall. Treasurer. Enclose account of 6 months' salaries due to the office at Christmas. [*C.O.* 389, 36. pp. 359, 360.]

[Feb. 16.] **1342.** Copy of lease of Mr. Pilgrim's House in Barbados to the Treasurer, for the residence of the Governor. Feb. 7, 1705. *Signed*, John Frere, Tho. Palmer, Saml. Forte. *Endorsed*, Recd. from Major Pilgrim, Read Feb. 16, 1707. 9 pp. [*C.O.* 28, 10. No. 80.]

Feb. 16. **1343.** Copy of an Act of Barbados, 1706, confirming above lease. *Endorsed as preceding.* 6 pp. [*C.O.* 28, 10. No. 81.]

Feb. 18. **1344.** The Earl of Sunderland to the Council of Trade and
Whitehall. Plantations. Encloses following for their report. *Signed*, Sunderland. *Endorsed*, Recd. Feb. 28, Read March 2, 1707. ½ p. *Enclosed*,

1344. i. S. Duport to the Queen. *Refers to Orders of Council in his favour. See C.S.P.* 1693, 1694. Nos. 707, 1011, 1012, and 1698. No. 675. Hearing that Col. Codrington out of spite threatened to give away his plantations to other men (as he really offered them), Petitioner was forced to leave of his solicitations and embark for America *etc.* He was taken by the French in his passage coming from the Leeward Islands, but refused to command an expedition against the English Plantations. He suffered very much by the late French invasion and hurricane in St. Kitts and is in actual want. *Prays* that he may partake of H.M. bounty intended for St. Kitts and Nevis. 1 p.

1344. ii. Copy of Order in Council May 12, 1694. *Cf. C.S.P.* 1694. No. 1012. 3 pp. [*C.O.* 152, 7. Nos. 39, 39.i., ii. ; and 153, 10. pp. 126-131.]

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Whitehall.

1345. Council of Trade and Plantations to Col. Jenings. Enclose Order of Council, Jan. 25; and H.M. Letter, Feb. 6. [*C.O.* 5, 1362. p. 287.]

Feb. 20.

1346. Lord Baltimore to [*? the Council of Trade and Plantations*]. My Lord Baltimore, in 1699, having his house in Maryland plundered, and all his books of accounts and papers burnt and destroyed, whereby his Lordship was disabled to make his just and proper demands of such rents, fines and other duties as were due to him from the Planters in that Province, to retrieve this inconvenience, made a lease and a grant of all such rents, fines and duties to Richd. Bennett and James Heath, two persons well acquainted with the severall and particular duties, rents and fines due from the pattenntees of lands under his Ldship. for 8 years ending Aug. 1, 1707, to ye end ye sd. leassees or grantees might in that time by their care and inspection make perfect roles, and settle a true state of ye Revenue of Maryland due from ye sd. Planters, both for their owne and his Lordps. use and benefitt, and to avoyd all controversies yt. might for ye future arise concerning ye sums and values of such rents and duties; but instead thereof, the said Bennet and Heath have neglected to prepare and make such acct. and rent roles, and their terme being now expired, upon pretence yt. they are without remedy to recover ye sd. rents, arrears of rents and duties by distress after ye end of their term, and yt. my Lord Baltimore may by giving acquittances and discharges for such rents and duties as shall grow due after ye end of yt. term, extinguish ye arrears due to them, yt. they shall be without all remedy by actions of debt or otherwise, have obtained an Act of Assembly in yt. Province, giving them remedy for recovery of ye sd. arrears by action of debt, which Act is very injurious to ye Ld. Baltimore, in yt. the sd. Bennet and Heath have not complied on their part in finishing all ye rent roles; ye sd. Act being also grownded upon two gross mistakes in Law, ye one is, that although ye remedy by distress is gon, after ye end of ye sd. term for 8 years, yet ye remedy by action of debt remains good to them, wch. is as much as this Act provides, and such remedy is and ought to be had only in ye Provinciaall Court there, and no statute of limitations can barr or hinder them, but by their owne gross neglect; ye other mistake is, yt. ye Act supposes yt. my Ld. Baltimore's receipt of a year's rent after ye end of ye sd. term will extinguish or discharge ye arrears, this is also an error, for my Lord's receipt of a subsequent rent might debarr his Lordship of a former rent due to himselfe, but cannot prejudice ye right and just demands of others; and as yt. Act of Assembly is in favour of ye sd. Bennet and Heath, for whose benefit it is aleadged to be made, soe it is really prejudicall and injurious to my Ld. Baltimore, to prejudice whom it seems to be contrived and framed, for it contains a clause yt. no orphan shall be sued in an action of debt for arrears of rent till 5 years after such orphan attains his age, wch. is to introduce a strange and unreasonable law,

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and thus instead of my Ld. Baltemore's rent-roles being retrived and made good againe, his Lordp. is not only left in ye darke by those yt. shoud have don yt. worke, being ye cheife consideration for farming ye rents to ye sd. Bennet and Heath, but put to greater inconvenience then before, and ye further to disable his Lordp. from coming to ye right knowledge of his affairs in Maryland, by ye assistance of such friends and Agents as his Lordp. has there, another Act of Assembly is made, yt. his Lordp.'s Agents shall certifie into ye Secratary's Office ye instructions and conditions of ye Plantations, with ye fees by them demanded, and obliging all his Lordp.'s deputy-surveyours to qualifie themselves according to Law; as for ye instructions and conditions of ye Plantations, every pattentee knows by his grant or pattent what concerns himselfe, why shoud this be certified into ye Secratary's Office? and as for my Lord's Agents or Surveyors qualifieing themselves according to Law, it is the same as if all the noblemen and gentlemen's stewards or agents in England should be put to qualifie themselves in such manner as Magistrats, officers, and publicke Ministers of Justice are required to doe, wch. would be absurd and troblesome; however, his Lordp. desires to employ none yt. shall refuse to take any oath of fidelity or obedience to H.M., and if they exact any fees that are not due and accostomed, ye Courts of Justice are there open as in England against all exactions and extortions whatsoever, where good and sufficient remedy is to be had against all such offences; it is observable in this Act of Assembly there is not so much as a colour given or alledged of any abuse in my Lord's Agents or Surveyours concerning unjust demands of fees, as in truth there has been noe occasion of complaint given, and why there shoud be any Act of Assembly for redress, where there is no grievance soe much as suggested, is not to be understood. *Endorsed, Recd. Read Feb. 20, 1707. 1 large p. [C.O. 5, 716. No. 42; and 5, 727. pp. 25-29.]*

Feb. 20. **1347.** Capt. Redknap to the Council of Trade and Planta-
 Boston in tions. There was an expedition in May last, form'd by H.E.
 New England. Col. Dudley and the General Assembly of the Massachusetts
 Province against H.M. Enemies, the French and Indian rebels
 in the severall parts of Nova Scotia and L'Accidie. The
 Governour caused to be raised 1,100 men for the said service,
 all vollonteers, and as good Officers as could be found in the
 Country at the head of them, the men were well armed, and part
 of them in regimentall clothing, beleiving it would add life to
 the service. As H.M. Engenier, I was ordered by H.E. to
 imbarque with the forces, with the charge of carring on the
 trenches, in case we should find ourselves capable of laying siege
 to the Enemies' principall place of strength, the fort of Port
 Royall, we imbarked May 12 att Nantaskett (or Boston) with
 a sufficient quantity of provisions and ammonition, and 8 field
 peces and 2 small morters, we came to an anchor the 26th in
 Port Royall bay, where we landed the same day, and took
 posession of the ground a small distance from the Fort with

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little loss, we lay before the fort 10 days without being able to gett our guns or morters before the place, by reason of the extream woods and marshes, we must of necessity pass for neare 6 miles together, and the great hazard of transporting our artillery in small boats, we not being acquainted with the River. The difficultys being such, the Commander in Chief called a Councill whither they should attempt besieging the Enemy, or lying before the place, and starve them, the Commander finding by Deserters and prisoners that we took, that the Enemy had upwards of 500 fighting men in the fort and 12 months' provision, so that they came to a resolution to distroy the Enemy's settlements, which was done effectually for near 20 miles together, by burning theire houses, killing the cattle, cutting theire dams, and drowning theire corn and pastures, which I judge will reduce them to the last necessity. The Fort of Port Royall is a fortification of 4 bastions, a half moon and a large battery, to command the Port, there is 38 gunns mounted and 2 large morters, with large quantitys of ammonition, your Lordships shall have a plann of the place, what I have to add, I now send your Lordships a plan by H.M.S. *Depford*, that your Lordships may better judge of the Enemy's strength in these parts, the rather because I perceive the Governour is reflected upon by some malicious men that love change and themselves to be masters of all things, though theire number is very few, yett two of them, and I think no more, are Minesters in this town, which make all the noyse they can invent. We have no regular Companys in these parts (but Millitia only) and are very difficultly governed especially in any action that is hazardous, to my knowledge the best Officers and men that could be pick't out of the whole Province, were imploy'd in this Expedition, and I think it impossible to have done more, unless we had had cannon and morters superiour to theires, to have thrown away the Country people in assaulting the place to no effect had been much worss, we had not above 30 men killed in the whole Expedition; we brought away a number of the Enemy prisoners, and burnt their houses to the gates of their fort, I beleive 150; kill'd 1,000 head of cattle, and all thier sheep and swine, *etc.* If we had sustain'd so great a loss upon any settlement of this province, then they would make a clamour of our being undon. The country is well defended, and universaly satisfied, if a very few men, who are of an insolent spiritt, would be contented in doing theire dutys, I am apt to beleive they will never be easey with anybody. *Signed*, J. Redknap. *Endorsed*, Recd. 16th, Read 23rd July, 1708. 4½ pp. [C.O. 5, 864. No. 233; and 5, 912. pp. 485-488.]

Feb. 20.
St. James's.

1348. Order of Queen in Council. Approving Representation of July 1, 1707, relating to the tobacco trade, and directing that orders be given accordingly. *Set out, Acts of Privy Council*, II. pp. 536, 537, *q.v.* *Signed*, John Povey. *Endorsed*, Recd. 4th, Read March 5, 1707. 1½ pp. [C.O. 5, 1316. No. 1; and 5, 1362. pp. 288, 289.]

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Feb. 20. **1349.** Order of Queen in Council. Repealing Act of
St. James's. Carolina, *to encourage the settlement of this Country, etc.* See
Nov. 12, 1707. *Signed*, John Povey. *Endorsed*, Recd. Read
March 2, 1707. 1½ pp. [C.O. 5, 1264. No. 28; and 5, 1292.
pp. 31, 32.]

Feb. 20. **1350.** Order of Queen in Council. Confirming several Acts
St. James's. of Bermuda, 1690-1704, according to Representation of June 27,
1707. *Signed*, John Povey. *Endorsed*, Recd. Read March 2,
1707. 3½ pp. [C.O. 37, 8. No. 44; and 38, 6. pp. 320-325.]

Feb. 20. **1351.** Order of Queen in Council. Repealing 5 Acts of
St. James's. Bermuda, 1690-1704, as proposed by Representation of June 27,
1707, *q.v.* *Signed and endorsed as preceding.* 1½ pp. [C.O.
37, 8. No. 45.]

Feb. 20. **1352.** W. Popple, jr., to William Penn. The Council of
[Whitehall.] Trade and Plantations desire to speak with you on Tuesday,
or at any other time which you will please to let me know, concern-
ing the boundaries of Maryland and Pennsylvania. See Jan. 8.
[C.O. 5, 1292. p. 30.]

Feb. 20. **1353.** W. Popple to W. Lowndes. The Council of Trade
Whitehall. and Plantations having, by the returns made them by the
Commodores of the Newfoundland convoys, been informed that
considerable quantities of wine, brandy, salt, oyle, French linnens,
etc., are carried to Newfoundland by our ships that fetch salt
from Portugal, and that the said commodities are at
Newfoundland truck'd with the Masters of New England ships
for tobacco, sugar and other of the enumerated commodities,
which are then carried to Portugal and other foreign markets
in the streights, their Lordships desire you to move the Lord
High Treasurer that they may have the opinion of the
Commissioners of H.M. Customs how this irregular practice
may be prevented. [C.O. 195, 4. pp. 438, 439.]

Feb. 21. **1354.** Mr. Conaway to Lord Baltimore. The day the
Ratclif. observation was made on Palmer's Island was Feb. 28, 1683,
with an instrument of 10 feet radius. The sun's meridian altitude
being that day 46°26, which (after it was wrought according to
Art) produced for ye latitude of that place 39°44. *Signed*, James
Conaway. *Endorsed*, Recd. Read Feb. 23, 1707. *Addressed.*
1 p. [C.O. 5, 716. No. 43.]

Feb. 23. **1355.** Mr. Heysham and Mr. Royle to the Council of Trade
and Plantations. Refer to recent irregularities by the Governor
and Council of Barbados, Nov., 1707, in favour of Col. Cleland and
Col. Holder *etc.*, and pray the Board to represent these
transactions to H.M., in order that the Law to *ascertain the pay-
ment of bills etc.*, dispensed with by the Governor, may have
effect. *Signed*, William Heysham, John Royle. *Endorsed*,
Recd. Read Feb. 23, 1707. 1 p. [C.O. 28, 11. No. 1; and
29, 11. pp. 202, 203.]

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Feb. 23. **1356.** H.M. Warrants appointing John Contee, Samuel Kensington. Young, and Thomas Greenfield to the Council of Maryland in the room of John Addison, Robert Smith and James Saunders, decd. *Countersigned*, Sunderland. [C.O. 5, 210. p. 88.]

Feb. 23. **1357.** H.M. Warrant appointing Dixey Percival Attorney-Kensington. General of Jamaica upon the death or resignation *etc.* of Robert Hodgskin. A clause to be inserted in his Letters Patents obliging him to actual residence and to execute the office in his own person. [C.O. 5, 210. pp. 89, 90.]

Feb. 23. **1358.** H.M. Warrant for dismissing Thomas Brook from Kensington. the Council of Maryland and appointing Seth Biggs in his place. *Countersigned*, Sunderland. [C.O. 5, 210. pp. 90, 91.]

Feb. 25. **1359.** Mr. Addington to Mr. Popple. Gives list of papers Boston. transmitted by Governor Dudley Nov. 10, 1707. *Signed*, Isa. Addington. *Endorsed*, Recd. 16th, Read 19th July, 1708. 2 pp. [C.O. 5, 864. No. 232.]

Feb. 25. **1360.** The Earl of Sunderland to Governor Handasyd. Whitehall. Recommends Mr. Percival (*cf.* Feb. 23) to his protection *etc.* *Signed*, Sunderland. [C.O. 5, 210. p. 92.]

Feb. 26. **1361.** Council of Trade and Plantations to Governor Parke. Whitehall. Enclose Additional Instruction relating to House-rent. [See Jan. 8 and Feb. 3.] You are to take care that H.M. pleasure herein be punctually obeyed. [C.O. 153, 10. pp. 124, 125.]

Feb. 27. **1362.** W. Popple to Josiah Burchett. The Council of Whitehall. Trade and Plantations find that Capt. Underdown has not given a perfect answer to one of his Instructions, having only made a return of the provisions remaining at Newfoundland on June 28th last. They therefore desire you to move H.R.H. that Capt. Underdown may give them an account how the three years' provisions have been disposed of, or the reasons of his not taking such an account. They desire to know the name of the Commodore appointed for this year's convoy for Newfoundland, and also when he will be ready to sail. [C.O. 195, 4. pp. 439-441.]

March 1. **1363.** Governor Dudley's Warrant appointing George Vaughan Agent for New Hampshire, according to the desire of the Assembly, Portsmouth, Feb. 19. *Signed*, J. Dudley. *Endorsed*, Recd. Read July 13, 1708. *Copy*. 1 p. [C.O. 5, 864. No. 226.]

March 1. **1364.** Governor Crowe to the Council of Trade and Plantations. Barbados. This pacquett honors me with a few lines from your Lordships, under the 30th of Dec. H.M. letter about the abscenting Councillors shall be duly read and entred to-morrow in Council. My last (*copy enclosed*) was wrote in such a hurrey

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that I had not then time to answer your Lordships' of Oct. 30, of which I have recd. a duplicate per this conveyance. The apprehensions that we were then under soon after vanish't by the advices we recd. from the Leeward Islands, by the sloops I imployed for that purpose (of the enemy's sailing from Martinique directly for New Spain). My Lords, I have learn't soe much experience from that expected invasion that I realy dread a reall attempt, for neither our horse or foot know any discipline, and composed of such ignorant creatures as your Lordships. cannot emagine, altho you consider most of them poor bought servants officer'd with gentlemen that never saw any action; By cantoning some days they were brought into better discipline, but the horse which our strength consists most in, are soe ill mounted that upon every charge or wheel it's impossible to keep ym. in any order. I have given directions for a due observance of their monthly exercise, and shall keep ev'rything in such order as may prevent a surprize, but beg your Lordships would be pleased to lay before H.M. the great danger this place is in for want of some regular florees. Upon the expiration of last Assembly (which was on Jan. 20), I immediatly order'd the calling of a new one, in which ev'ry old Member is again chosen, only with the alteration of three new ones in the room of Mr. Cole, Webb and Adames, that for recovery of their health were gone off the Island, the inclosed is what I thought convenient to recomend to them, but have little hopes of any great advances for the publick good or safety, and the country's credit is sunk to that degree none will trust it, in soe much that the prisoners in the comon goal would starve if I did not particularly engadge for their daily allowance, soe that if there is not some money raised in a little time, all the Batterys will be deserted. Their pretentions of chooseing agents without the consent or approbation of the Councill (as usuall) notwithstanding the conferences they have had about it, still hinders the passing of the Excise Bill which, if any wines comes in before agre'd on betwixt them, will be 4*l.* 10*s.* 0*d.* per pipe loss to the country, and that's the fund that goes to the defraying the most urgent occasions. I shall continue to perswade them to lay aside all private peaks and to proceed on what is necessary for their owne safety, but I can hardly belive they will raise any fund for finishing St. Anns or repaireing the old fforts whilst the Mattrosses are starveing. Some of them have now three years' pay due. I have allways decreed everything in Error or Chancery by the majority of votes in Councill. Mr. Barrwick has gott a patent as Receiver of the Casuall Revenue, Col. John Wiltshire (whose accounts are still to be adjusted) had the last, it's in my Lord High Treasurer's gift, and they are only accountable to his Lordship. The Clarke of the Markett's place is not worth above 60*l.* per annum. I appointed one James Stewart to officiate it untill your Lordships. advise me the Queen's pleasure therein. The Councill and Assembly have not yett agreed about a new bill for settleing the publick acctts., but there is still an Act in force to that purpose, and on Sept. 2d last (as your Lordships.

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will perceive by the inclosed Minutes), I appointed a Committee of the Councill, but the Assembly never cou'd be persuaded to nominate any on their part, but always insisted on haveing a new Bill. I know not how your Lordships. may apprehend that part of my Instructions in relation to the four Councilors. But my Lord Sunderland understood it was H.M. pleasure to have them removed as an example, and settled with me, at his Lordship's office, the Gentlemen, as by the inclosed list. But afterwards it was resolved that I should first examine into the truth of that matter, and deliver'd me the inclosed heads of complaints, which the Generall Assembly (as well as the Gentlemen's owne confession) made appear they were guilty of, and in that case H.M. by her Instructions, gave positive orders for their removeall, which was done (as I shall ever act soe long as I have the honor to continue in H.M. service), without partiality or prospect of private intrest, nor had I any veiw in placeing the other gent. in their rooms, but the good and quiet of the country. Soe I hope what I did in this affaire will be approved of. Col. Holder was immediatly, according to H.M. Order, dismiss't from all employs here. I hope Mr. Cox's inclosed letter will fully sattsifie your Lordships. as to what I did in relation to the Naval Office, which after your Lordships. has deliberately perused the Act and my second Instruction as to Trade, I doubt not but your Lordships will beleive the Laws as well as H.M. had been gratiously pleased that that place shou'd be at the Governor's disposall, which indeed is the only perquesitt of this Government. I affirme to your Lordships. that the sallary barely supports ye dignity thereof, and I shall never take those pernicious, unjust methodes some of my predecessors have done to advance my private interest. I know not how the affaire of Mr. Samford was represented to your Lordships., but the last Grand Jurey found it ignoramus, he being turned out of his Judge's place only on acct. of that pretended riot, both he and Judge Brewster were reinstated by advice of the Councill, as your Lordships. will perceive by the inclosed minutes of June 9 and 13 ; he is a very ingenious man, and has given a generall satisfaction to all, but seeing your Lordships. seem'd to be displeased at his holding that place, he has voluntarily relinquished it ; and I have put Col. Richard Downse, the present Speaker of the Assembly, into that post, who has been taken soe ill with the gout that hath not been able to sitt these two Courts. The Attorney Generall wanting some assistance, I have at his request sworne Mr. Carter as the Queen's Councill at Law. H.M.S. *Reserve*, Capt. Tate, from New England, and the *Lowstaffe*, Capt. Fane, from New Yorke, arrived here five weekes agoe with severall small vessells under their convoy, who will be ready to returne again in 20 days. The Queen's ships that attend this Island have been (with the two above) for these thirty days cruizeing, but mett nothing. The *Greenwich* and *Lynn* are still before Martinique. Capt. James Jesson, the Commodore, after 4 months' sickness, died last night. There has been soe great neglect and delay in all offices relating to the publick, that they cannot have an immediate (without a rigorous)

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cure, which would cause a generall complaint at home, as yett I have made noe removeall of any person from his post, save those your Lordships have been advised of. I slipp noe oppertunity of reminding both the Councill and Assembly of their duty, as your Lordships will perceive, when you are pleased to give yourselves the trouble of perusing the inclosed Minutes, and other papers, to which I humbly crave reference. *Signed, M. Crowe. Endorsed, Recd. May 27, Read June 21, 1708. 8 pp. Enclosed,*

1364. i. S. Cox to the Council of Trade and Plantations. I was much concern'd to hear of a complaint made to your Lordships against H.E. Mitford Crowe about the Naval Office here, the true state of which is that he was of opinion that as Governor he was entitled to it, by law and H.M. Instructions, and told me he intended to take it into his custody, but that if I had a mind to dispute the title with him, I should have a fair tryall. I submissively answered that if he did not think H.M. Pattent sufficient, I would not contend with him, since it was in his Instructions, only desired him to let me officiate for him, to which he consented, and it was agreed thatt I should sign a bond of 1,000*l.* with condition to pay him 300*l.* per annum dureing his governmt. for the income thereof. But since ye arrivall of ye last packett, H.E. has given me up my bond and admitted me to the ffree enjoyment of my office *etc. Signed, Samuell Cox. Barbados, Jan. 10, 1707. Endorsed, Recd. May 27, Read June 10, 21, 1708. 1 p.*
1364. ii. Copy of clause in Governor Crowe's Instructions relating to Naval Officers. *Endorsed, Recd. May 27, 1708. ½ p.*
1364. iii. Governor Crowe's Speech to the Assembly. I highly approve your choice of a Speaker, and see so little alteration in the people on their new election that shall only recommend unanimity and dispatch as the best method to save this sinking Isld. *etc. Endorsed, Recd. May 27, Read June 21, 1708. ½ p.*
1364. iv. Minutes of Council of Barbados, Nov. 20, 1707. Resolutions, supporting Governor Crowe, in reply to those of the Assembly. Nov. 3. *Signed, Pat. Mein, Thos. Alleyne, J. Colleton, Timothy Salter. Endorsed as preceding. 2½ pp.*
1364. v. The Council's Reasons in the case of Col. Holder. *Duplicate of No. 1176.i. Endorsed as preceding. 2 pp.*
1364. vi. Address of the Assembly of Barbados to the Queen. Return thanks for the removal of Cols. Cleland and Holder from the Council *etc. Endorsed, Recd. May 27, 1708. Copy. 1 p.*
1364. vii. List of Councillors of Barbados with heads of complaints against them *etc. Duplicate of No. 1298. Endorsed as preceding. 2 pp.*

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1364. viii. Councillors agreed upon with Lord Sunderland *etc.* 1 p.
1364. ix. Order of Commissioners of Fortifications of St. Michael's, St. George's and St. John's, that no more work be done thereon. Dec. 19, 1707. *Signed*, John Hallett, Samuell Berisford, Jos. Salmon, John Frere, Richd. Downes, John Merring, Wm. Carter, Tho. Beckles, William Roberts, Dudley Woodbridge, Allx. Conningham, Thomas Neale. *Endorsed*, Recd. May 27, 1708. *Copy.* 1 p.
1364. x. Minutes of Council of Barbados, Sept. 2, 1707, appointing Patrick Meine, Wm. Cleland and Thomas Alleyne Commissioners for examining the public accounts, in the room of Wm. Sharpe, Robert Johnston, and James Colleton, *etc.* *Endorsed as preceding.* $\frac{3}{4}$ p.
1364. xi. Minutes of Council of Barbados, June 9 and 13, 1707, for restoring Richd. Brewster and John Sandford to their office of Judge, *etc.* *Same endorsement.* 2 pp. [C.O. 28, 11. Nos. 8, 8.i.-xi.; and (with enclosure iv. and v. only) 29, 11. pp. 234-256.]

March 1.
Barbados.

1365. Governor Crowe to the Earl of Sunderland. Having not the honour of receiveing any commands from your Lordship by this pacquett, I shall only trouble your Lordship with a copy of my last and *preceding* *etc.* Refers to copy of the Governor of Martinique's letter and his reply. If the four Councillors should be reinstated it would creat new differances and representations, I am sure much to their disadvantage, and such as noe man in Government ought to be guilty of, *etc.* *No signature or endorsement.* $1\frac{1}{4}$ pp. *Enclosed,*

1365. i. Copies, *in some cases fuller*, of Nos. i., iii.-xi. *in preceding.* [C.O. 28, 38. Nos. 68, 68.i.-iii.]

March 3.
Whitehall.

1366. Council of Trade and Plantations to the Lords Proprietors of North Carolina. Enclose Order of Council repealing *Act to incourage the settlement of the Country, etc.* [C.O. 5, 1292. p. 33.]

March 3.
Whitehall.

1367. W. Popple, jr., to William Penn. The Council of Trade and Plantations, being pressed for their report, and not having had any answer to my letter of Feb. 20, unless they hear from you in very short time, will be obliged to make their report upon the boundaries of Maryland and Pensilvania. [C.O. 5, 1292. pp. 32, 33.]

March 3.

1368. Mr. Burchett to Mr. Sec. Boyle. In answer to a Memorial from the Envoys of the States General, relating to a Dutch ship taken by the *Guernsey* and sold at Jamaica, I have written to the Judge of the High Court of Admiralty to give an acct. of what he knows of that matter, and allsoe to the Governor of Jamaica, and Mr. Wager, who commands the squadron there *etc.* *Signed*, J. Burchett. *Addressed.* 1 p. [S.P. Naval, 7. Under date.]

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March 3.

1369. Wm. Penn to Wm. Popple. I do assure thee I shall not faile to waite upon the Lords as soon as I am able, about ye partition between Maryland and Pennsylvania etc., wherin, I am so vaine as to think, I am not the least capable of setting that matter in a true light to the Lords. And indeed I have been so farr from shuing [=? *shunning*] of it, that in 1700, I went to Maryland, being then in America, to settle yt. matter, in persuance of the order of the Bord then given me to fix it, beleiving the Lord Baltimore had sent his to his Agents to joyn with me in finishing it; But Col. Darnell assured me he had no such direction from his Lord, and refused to enter upon it. I own 'tis not ye very best of seasons for me, and it highly imports me to be very nice in an affaire of that consequence to me, ye inhabitants and my posterity; but beging their favour for a little time, I shall submit to their resolution, after I have offer'd to their consideration wt. I have to say upon yt. affair. I shall add no more here, but that I am, with great respect to the Lords, and esteem for thyselfe, very sincerely, thy assured frind, *Signed*, Wm. Penn. *Endorsed*, Recd. Read March 4, 170 $\frac{1}{2}$. *Holograph*. 2 $\frac{1}{2}$ pp. [*C.O.* 5, 1264. No. 29; and 5, 1292. p. 34.]

March 4.

*Falkland, in
ye Downs.*

1370. Capt. Underdown to W. Popple, jr. Soon after my arrival, I gave Major Lloyd an order in compliance with their Lordships', but he return'd me no account, and I humbly conceive I had no other power to call him to it, etc. *Signed*, Jo. Underdown. *Endorsed*, Recd. Read March 9, 170 $\frac{1}{2}$. *Addressed*. $\frac{1}{2}$ p. *Enclosed*,

1370. i. Copy of Capt. Underdown's letter to Major Lloyd communicating the Order of the Council of Trade and Plantations directing an inspection and account of the provisions at Newfoundland. May 9, 1707. 1 p. [*C.O.* 194, 4. Nos. 59, 59.i.]

March 4.

1371. Mr. Jones to the Council of Trade and Plantations. Prays the Board to hasten the hearing of the charges against him. *Signed*, E. Jones. *Endorsed*, Recd. Read March 4, 170 $\frac{1}{2}$. 1 p. [*C.O.* 37, 8. No. 46; and 38, 6. pp. 325-327.]

March 4.

Whitehall.

1372. Council of Trade and Plantations to the Earl of Sunderland. Enclose following to be laid before H.M. in Council.

1372. i. Council of Trade and Plantations to the Queen. Propose repeal of Act of Barbados for house-rent for Governor Crowe. Pilgrim House already provided by the Assembly is a very suitable residence etc. *Set out*, *Acts of Privy Council*, II. pp. 829, 830. [*C.O.* 29, 11. pp. 204-209.]

[March 4.]

1373. S. Duport to the Council of Trade and Plantations. In the estimate of my losses given in 1698 I omitted the sugar-canes etc. growing upon my plantations, when the warr broke out, amounting to above 1,500*l.* *Endorsed*, Recd. Read March 4, 170 $\frac{1}{2}$. $\frac{1}{2}$ p. [*C.O.* 152, 7. No. 39.A.]

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March 5.
London.

1374. Same to Same. Quotes an extract in French from a letter by Capt. John Bourryan, St. Christophers, May 18, 1693, to show that he was not in possession of the plantations in question [Feb. 18], then, or for some years after. *Signed*, Ste. Duport. $\frac{3}{4}$ p. [C.O. 152, 7. No. 37.]

March 5.
Kensington.

1375. Order of Queen in Council. Repealing Act of Barbados [March 4]. Governor Crowe is not to pass any such Act for the future. *Signed*, Chris. Musgrave. *Endorsed*, Recd. Read March 18, 170 $\frac{3}{4}$. 3 pp. [C.O. 28, 11. No. 4; and 29, 11. pp. 217-223.]

March 5.

1376. R. Stephens to Mr. Thurston. The Commissioners of ye Victualling have recd. an Order from ye Navy Board, Feb. 2, to send to Newfoundland one year's provisions for the garrison at St. John's, etc. as last year. *Signed*, Rob. Stephens. *Endorsed*, Recd. Read March 9, 170 $\frac{3}{4}$. *Addressed*. $\frac{3}{4}$ p. [C.O. 194, 4. No. 58.]

[March 5.]

1377. Messrs. Taverner and others, inhabitants of Newfoundland, to the Council of Trade and Plantations. Refer to Capt. Moody's defence of Fort William, 1704. To their unspeakable surprize and grief Capt. Moody was recalled, and Major Lloyd, whome former irregularities had rendred odious, was sent in his stead, honoured with such an increase of power as set him above the comptrol of the Commodores, whose former authority was the only curb to an exorbitant Commander. Since his return, the people are worse us'd than before. They are compell'd like slaves to go into the woods on Sundays to cut timber for his service; are spit upon, kickt, beaten, wounded, overladen with unequal quartering of soldiers, and are dispossess'd and disseised of their properties and inheritances. Taxes are made without law, raised with partiality, and apply'd to his own use, and who ever dare complain, are immediatly either miserably abus'd in their persons, or opprest in their trade, and merchandize, nor are the soldiers themselves exempt from his tyranny, being let out to hire, and rob'd of their wages when earn'd. Many (to escape from the pressures of these calamitys) have been forced secretly to escape and desert their plantations, especially in the winter season, when the Commodores are absent, at whose return some come back again. In order to be thought a man of moderation and justice in England (where he boasts his power and interest is rooted), he threatens and insults some, and bribes and allures others to subscribe a good character of himself and an accusation of Capt. Moody. The subscribers dare not return to their families, if this Representation is known. *Signed*, Wm. Taverner, Abram. Taverner, Mary Benger, Tho. Menshew. *Endorsed*, Recd. from Mr. Campbell, Read March 5, 170 $\frac{3}{4}$. 1 p. [C.O. 194, 4. No. 56; and 195, 4. pp. 441-443.]

[March 5.]

1378. *Depositions etc. in support of preceding.*

(a) Deposition of T. Menshew of St. Johns. As an instance of Major Lloyd's tyranny, he disposessed James Benger of his

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plantation in Ferryland, because he would not sign a paper reflecting on Capt. Moody. Deponent saw him disable a fisherman with his sword, for asking a soldier to help him push his barrow of fish up a hill. He knocked down and kicked the surgeon Adams, on hearing that he had joined in a petition against his cruelty. His servant-maid died from the hardship he exposed her to. The soldiers are necessitated frequently to beg amongst the inhabitants, their allowance from Major Lloyd being so small that they could not subsist thereon. He lets them out for hire and takes 3 parts in four of their wages. They dare not complain for fear of his cruelty. He went with 40 soldiers to plunder to the northward. In August last he entertained one M. Bellater, a French officer from Placentia, who two years ago had plundered St. Johns, and feasted him in the fort and public-houses in the harbour, for several days, thereby giving him an opportunity to view the place. He has imposed a tax of 3 quintalls of fish upon every fishing boat for the two last seasons, which cannot bring in to him less than 1,500*l.* per annum. He contrives certificates in his own favour and compels the inhabitants to sign them. Two of his favourites, Lang and Sheppard, recently disabled John Adams for life, and no redress can be obtained. He beat Thomas Burt of Bell Isle unmercifully when he asked that he might have no more soldiers quartered upon him, his house being full. He threatened to whip deponent's wife in his absence without just cause, and threatened to beat him for asking for ten guineas he owed him for a cow and a calf. He complained to Capt. Underdown, who said it was not in his power to relieve him, adding that Lloyd had attacked him himself, knocked off his hat with his sword, and beaten him about the garden when he was unarmed. *Signed, Tho. Menshew. 2 pp.*

(b) Deposition of A. Taverner. Corroborates parts of preceding. He was forced to leave his habitation for not subscribing against Capt. Moody and Dr. Jackson. The names of some who never saw him were put to the paper against Moody, *etc. Signed, Abrm. Taverner. 1½ pp.*

(c) Deposition of W. Taverner. Gives instances of Lloyd's oppression of those who refused to sign the accusation against Moody, and his attempts to compel himself. *Signed, Wm. Taverner. 1 p.*

(d) Deposition of Mary Benger. Confirms part of preceding. *Signed, Mary Benger. 1½ pp.*

(e) Account by Michael Clarke, Clerk to Major Lloyd, of his cruelty towards him. *2½ pp.*

(f) Deposition of Wm. Healle, St. John's, Aug. 14, 1707. Poole Plantation in Ferryland, now possessed by James Benger and Mary his wife, belonged to Sr. David Kirke, and passed through his son David, her first husband, to Mary Benger, *etc. See April 1st and 15th, 1708. Signed, Wm. Healle. 1 p.*

(g) (h) Similar depositions by Anthony Gay, Alexander Penprayse, William Shortt, and John Flatchar. *2 pp.*

(i) Commodore Leake to George Tarrant. Sept. 19, 1699. Whereas I am credible inform'd that Phillip Cade of Ferryland,

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late pretender to a plantation of David Kirk's, decd., has repossess himself in contempt of my order, you are to continue your possession for the use of Mrs. Mary Kirk and her children. *Signed*, Andrw. Leake. 1 p.

(j) Commodore Leake to Mr. Burchett. St. Johns, July 29 and Sept. 11, 1699. Refers, *inter alia*, to a piratical raid on Capelin Bay, and to his rebuilding the barracks which had been burnt, and gives a list of the provisions burned in the Fort. *Signed*, Andrw. Leake. *Addressed*. *Postmark*. 2 pp.

(k) Order of the Court at St. John's, Oct. 5, 1704, that Capt. Kade [*Cade*], relinquish his pretence to Poole Plantation, belonging to the children of Mary Benger. Capt. Brooks, who has, upon that pretended right, fished upon that Plantation, is ordered to pay to Mrs. Benger 16*l.* ster*l.* in fish *etc.* *Signed*, T. Bridge, David Roberts, Henry Hayman. 1 p. *Endorsed*, Recd. from Mr. Campbell and Mr. Woodford, March 5, Read March 10, 170*7* $\frac{1}{2}$.

1 p.

(l) Abstracts of preceding affidavits, *etc.* [*C.O.* 194, 4. *Nos.* 44-55.]

March 5. **1379.** Mr. Dummer to W. Popple. Encloses following. *Signed*, E. Dummer. *Endorsed*, Recd. 8th, Read 9th March, 170*7* $\frac{1}{2}$. *Addressed*. $\frac{1}{2}$ p. *Enclosed*,

1379. i. Capt. Button, Master of the *King William* packet-boat, to Mr. Dummer. We found the inhabitants of Barbados under arms upon alarm of the enemy, but sloops sent to Tobago and Martinique reported that there was no man of war at either place. They seem very zelious to defend their Island, as appears by their care in dissapline and dilligence in fortifieing it where accessable. Their whole body consists of 11,000 men, of which 3,000 are dissaplined negroes, there are at yt. Island only 3 men of warr, with some few mercht. shippes. Antego affords us a more perfect accot. of the French squadrons being gon to leeward. General Parke has taken all proper measures for defending that Island. *Repeats news given elsewhere.* H.M.S. *Marget* was lost on Poynt Canno to windward of Carthagene in chaiseing a French sloop. A trader from the Maine reported at Jamaica that a French man of warr was arrived at Portebell who saide he parted with 18 saile at St. Domingo on Hispaniola under M. Du Cass. And they further tell us that there has been a letter intercepted from M. Du Cass to ye Governor of ye Havanah on Cuba wherein he saith he must not expect him there till Aprill, when he will attend ye gallions to convoy them home, but that time will not permit him to be there before, haveing an enterprize of great importance. The truth of this wanted confirmation. It is generally beleived their design is on Jamaica, where they vigellantly prepare to receive them, the men of warr lying all in line of battell within ye fforts and a strict

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embargo clapt on all merchant shipp. The Islands are all healthfull etc. Signed, Wm. Button. 2½ pp. [C.O. 323, 6. Nos. 54, 54.i.]

March 6.
Antigua.

1380. Governor Parke to the Council of Trade and Plantations. By this packett I send your Lordships the Journalls of the Council and Assembly of Nevis and Montserrat, with the list of the inhabitants, negroes, etc. of this Island and Montserrat, etc. By the last I sent the remaining part of the Journall of Antigua, so that when I have sent the list of the inhabitants of Nevis, I have sent everything I had your Lordships' orders for; the Deputy Secretary's places are of so little value that they look upon it as a great hardship upon them to write out copyes of the Journalls. Your Ldps. will see in the Antigua Journall what pains my selfe and Council took to have a Law made to regulate the Courts as directed from your Ldps. at my first coming, the Courts at present are kept by an old Law confirmed at home; by wch. after a man has obtained a judgement, 'twill be two years before he can have an execution to do him any service, and 'tis so very chargeable that one had better loose a considerable debt then go abt. to recover it; a poor man is in a miserable condition, for he cannot arrest any freeholder, they having greater privileges then a Duke in England; every rich man amongst his neighbours is more absolute then a Bashaw, he may beat, nay murder him, and not fear any punishment; I gave you an acctt. how Johnson's murderer came off, and your sending an Order of Council to putt him out of the Council was made a jest off. I will give you two instances more of two other murders; a rich Planter beat his servant maid so cruelly that she went from him and in few hours dyed; bruised blood came from her when dead, wch. the Inquest brought in to be liquid lodinum, and that she had poisoned herselfe; an Other was a merchant yt. threw a full tankard and struck a man under the ear, the next day he died, the wound appeared, and yet the Coroner's Inquest brought it in that he dyed of fitts; a poor man cant so much as procure a warrant for a rich man; except I grant it my selfe. I have done severall, and had them bound over, but at the Sessions nobody punished; A friend of mine told me yt. if I look'd into these things, notwithstanding the Law they would give me nothing for my House Rent, and truly I have found him a good prophet, for I have not received the value of 400*l.* tho I have been almost two years wth. them; therefore yr. Ldps. need not fear they should give me more than by my Instructions I am allowed to take, I am allowed to take 500*l.* sterl. as Sir W. Matthews had, and should they keep their Law to give me 1,000*l.*, the real value would not be above 400*l.* sterl.; this year I believe they designe to pay nobody, they would do nothing but pick quarrells. I desired them that if they thought they had anything to complain off, they would order their Agent to lay it before yr. Ldps., and if they would lett me know what it was, to save time I would by the same packett send home to your Ldps. my reasons, and that whatever your Ldps. directed must determine me. I have

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done nothing of myselfe, I put everything to the vote in Council, and it has been determined by them without so much as coming to my vote; they have advised me to dissolve the Assembly, wch. I have, and to call an Other abt. 2 months hence; there is one Edward Perry, who is Commissioner of the Customs and Col. Codrington's creature yt. is the incendiary, his place gives him both intrest and opertunity to do mischief, cou'd he be removed, I believe they would be more moderate; for my part, whilst I have the honour to be in the post, I shall do my duty and follow my Instructions, and whilst I do that I hope I shall be protected; one reason of their making me uneasy is Col. Codrington threatens what he will do to his friends and enemies, when he is Generall, wch. he does not doubt but to obtain. I hope your Ldpps. will do me so much Justice to hear me before I am condemn'd; if I have ill-behaved myselfe, I deserve to be ill-used, but I shall have very hard ffortune to be censured without being heard; I am confident there can no just complaint come against me, this I am sure; I had hard ffortune to come to a Government, the one halfe of wch. was destroyed before I came, and the other out of humour, and yet I have been near two years without haveing anything laid to my charge. Col. Codrington had not been here 3 month before there was a very just complaint sent against him, and hardly any three months past without a complaint; I have undergone much sickness and great fateague, and am now poorer than when I came; I should be glad to stay now I am here and seasoned, in hopes to gett something hereafter, and I hope we shall not have Hurricanes every year. I was in hopes to have had some consolation for what I had undergone, and my loss sustained by the Hurricane, that H.M. would have given me a better Government, or the Regiment here, and not be thus allarm'd without any cause. Your Lordshippes are the Patrons of all the Governours, therefore I have no doubt I shall have Justice done me. When I brought the Queen the good news I had her Royal word that she would take care of my ffortune; I think H.M. cannot do it worse, if she does it at all. *Signed, Daniel Parke. Endorsed, Recd. May 26, Read June 22, 1708. Holograph. 6 pp. Enclosed,*

1380. i. Copy of Governor Parke's Order dissolving the Assembly of Antigua. March 5, 170 $\frac{7}{8}$. *Endorsed, Recd. May 26, 1708. 1 p. [C.O. 152, 7. Nos. 45, 45.i.; and (without enclosure) 153, 10. pp. 151-156.]*

March 6.
Boston.

1381. Lt.-Governor Usher to the Council of Trade and Plantations. Since mine in Febru. am informed an Actt in Sept. lastt pastt for mony, for to presentt an Adress to H.M.; in Febru., when neither the Governor or Lt. Governor in Province; Councill and Assembly metes, Assembly pas a voate for George Vaughan to goe Agent, to lay before H.M. the circumstances and poverty of the place. Vaughan goes by this conveyance to representt ye country, neither Governor or Councill concern'd therein, as per accott. I have reced., copy of wh. here inclose. if such procedings tend nott to Comonwealth Govermt., am to

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seak, if Vaughan appears with Address as Agent, hope he will shew his power, and ordered to attend. I humbly conceive there hath bin some omission as to Instructions. The Treasurer keeps noe faire Bookes of accotts. distinctt for H.M. revenue, though greatt waste of trees fitt for H.M. service, noe Law, nor care to preventt the same. Noe Laws for punishing mutinies, desertion or false musters in time of peace, a new Sherriff noe security for his place, Navall Officer, though a trador, nott under oath for his place, as have bin informed, in all wch. the Crown is concern'd. Haveing rendered accott. how by an Actt in Parlimt. H.M. Governors and Officers may be suported without charge to ye Crown, humbly offer to your Ldspps.' consideration. An Actt may be made for security of H.M. Governors' persons, with a punishmtt. or penalty for any to ceize a Governor etc., and withall a protection of H.M. subjectts' libertys and propertys, for N. Engld. is runing upon a levelling spiritt to much, and if nott timely prevented, power and honour of H.M. in Governmtts. will be lostt. Am informed one Mr. Mentzis goes by this conveyance. I know of none ever wentt outt of this Country can give a more ample and true accott. of same, as to Governmtts. and soile, a person of loialty, and esteem him a person of truth and sincerity; I humbly recomend him to your Lordships for accott. of all affaires in these partts, knowing he may be of service for the Crown. My Lords, I write nott in a way of complaintt, butt information, haveing always manifested a principle acted (!) by of loialty and truth. *Signed*, John Usher. *Endorsed*, Recd. 26th May, Read June 3, 1708. *Holograph*. 1½ pp. *Enclosed*,

1381. i. C. Storey to [? Lt. Gov. Usher]. The House [of] Representatives pastt a vote for Mr. Vaughan to goe Agent, etc. as preceding. *Signed*, Charles Storey. *Copy*. 1 p. [C.O. 5, 864. Nos. 199, 199.i.; and (without enclosure) 5, 912. pp. 400-402.]

[March 8.] **1382.** Matthew Plowman to the Queen. Repeats petition for relief. See C.S.P. Dec. 21, 1704. *Subscribed*,

1382. i. H.M. refers this petition to the Council of Trade and Plantations for their report. *Signed*, Sunderland. *Endorsed*, Recd. 10th, Read 11th March. 1 p. [C.O. 5, 1049. Nos. 46, 46.i.; and 5, 1121. pp. 117, 118.]

March 8.
Antigua.

1383. Governor Parke to the Council of Trade and Plantations. *Acknowledges* H.M. Order relating to the Council. Refers to enclosures, "the packet staying for my letters. I must entreat your Ldspps. that I may not be forgot in my post in the Army, yt. is that I may be made a Brigadeer Gen.: for Col. Crowther and severall younger Cols. then myselfe were made Brigadeers last May; the Duke promised me I should have a Commission the first promotion," etc. *Signed*, Daniel Parke. *Endorsed*, Recd. May 26, Read June 22, 1708. *Holograph*. 2 pp. *Enclosed*,

1383. i. Governor Parke's Speech to the Assembly of Antigua and Account of the State of that Island. (a) After

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approving the Representatives' choice of Nathaniel Crump as Speaker, H.E. acquainted them that ye publick credit was so very low that no person would trust ye country without makeing ye persons who had occation to take up anything upon it pay much greater advance than any private person, and yt. ye country was so much in debt, yt. people have offered to take 40 p.c. less then what ye real debt was, and particularly Masters of ships who have supply'd ye publick wth. beef and other provissions, wch. was a very great scandal to ye Island, and if timely provision be not made to prevent ye same for ye future, it will prove of fatall consequence in a short time. He therefore earnestly desired they would take ye same into consideration and not only think of raiseing a sufficient tax to defray ye necessary charges of ye ensueing year, but allso endeavour such other measures as might retreewe ye credit of ye Iland. He also acquainted them yt. ye proceedings of ye Court of Common Pleas by virtue of ye Act for regulateing the same was so very dilatory yt. no person can gett his mony in less then two years after he has obtain'd a judgment *etc. as in preceding.* He therefore commended to them ye makeing another Law whereby Justice may be duely administered, and persons enabled to recover their debts without such delays, wch. will encourage trade and make this a flourishing Iland, and desired they would incert a clause to enable all poor men to recover any sum under 20*l.* by a summary way of proceeding. He recommended ye carrying on the fortification on Monk's Hill, and acquainted them that whatever they did in ye affaires wch. he has now recommended must be done this week, for yt. ye man of warr being now return'd from Jamaica, he must be oblig'd to go and visitt ye other Ilands. If they had any just complaints to offer, he was willing to hear and redress them. He hoped they would seriously consider wt. might be for ye publick service and their own good and security, and yt. they would not be swayed by any particular heats or passions, for that as he had done nothing butt what he was sufficiently warranted to doe by his Instructions, and ye Laws of ye Iland, soe he would not for ye future. And therefore desired they would not fish for imaginary greavances and thereby retard ye publick affaires, wch. att this time, he assur'd them, was very well worth the most serious thoughts. He could justly say with ye prophet he had taken no man's ox or ass from him, nor had he enquir'd into ye title of any man's land, nor ever design'd to do. He was now a poorer man than when he landed, which he believed was obvious to all, notwithstanding some malicious persons (amongst other villanys) has write home he has got 20,000*l.* by seizing ships *etc.* They

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were witnesses that he had seized no ships etc. etc.

(b) I was in hopes they would have proceeded to do what they were call'd together for, butt first they quarrel'd about ye writs. The Council told them they were the usual writs, the Secretary produced the writs, which formerly went out, which were the same word for word. But they were willing to have Mr. Edward Perry, and the writ says they shall chuse a freeholder, wch. he is not, besides he is ye Commissioner of ye Customs, wch. are excluded by law. Besides ye Council and I told them ye House of Commons tho they were judges of their own members, never suffered any man to sitt yt. never was return'd or petition'd yt. he ought to be return'd; and then they appointed a day for a tryall; they did not call men out of the street, or such yt. are not qualified as judges, Commissioners of ye Customes etc. Wee told them yt. if they proceeded after yt. manner there was no occasion for writs. We offered to make a Law such as they have in Barbadoes to regulate all this matter; butt till such a Law they ought to pretend to no more then former Assemblys used to do; nor more then ye House of Commons does, for they do not pretend to any of ye executive power, wch. you do, for no man can be imploy'd or paid butt yr. Speaker must sett his hand to it, nay when ye French squadron was att Martinecoe and expected every hour, you would not pay for ye negroes and cart hire yt. I propos'd to bring ye great guns and shot from Willowby Bay (where they were of no use) to St. Johns to defend ye town; because ye Assembly did not order it, tho' it was probable ye enemy might have landed before an Assembly could have mett. I desired they would draw up what it was they pretended to, either putt it into a Law and send it home to be confirmed, or lay them before yr. Lordships, and whatever orders yr. Lordships should send me I would obey; but that untill I had orders so to do, I durst not give away any of ye Queen's prerogative. The Lt. Governour and Council have promis'd me to draw up ye whole matter and send it to yr. Lordships, butt ye Packett coming in whilest they were setting, it could not be done this packett, and finding ye Assembly would do nothing, they unanimously advis'd me to dissolve them, and about two months hence to send up writs to call a new one, in ye mean time they would endeavour to talke them into reason or lett ye people know who are ye Incendiarys yt. they might not be chose, and that they did not doubt off success. There is none of these disputes wth. me in any of ye other Islands, for ye Assemblys of Nevis, St. Kitts and Mountseratt are for giving me more power than I desire or ought to have, att Nevis there was one

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or two turbulent people for wch. reason ye Council there desired me to dissolve them, wch. I did, these people were left out in ye new Assemblys, and now there is no dispute. I hope to have ye same success here especially now Coll. Codrinton is att Barbadoes, for I am of opinion 'tis his liveing here is ye cause of all this, and when he was Generall he acted like a madman, and there was not a week passed, but he did some irregular thing or other, and had I done one in all my time he would have took care you should have heard of it, they all hate ye very name of him except this Mr. Ed. Perry and two or three more that were his Emprous and Dudlys when he was Generall, for wch. he got Perry to be made Commr. of ye Customes, wch. is an unnecessary place, ye Collector and Naval Officer doing all ye buisness for their accounts are pass'd before me, and att home there is an officer yt. examines them, yt. yr. Commr. here has 150*l.* the year for doing nothing; he was ye man yt. seized Mr. Baron's ship so unjustly; and Codrinton after she was cleared by ye judg condemn'd her him self; and this Mr. Perry tho' not return'd and consequently not sworn, and tho' a Comr. of ye Customs of ye Iland, sat in ye Assembly and voted. I was advis'd by some to suspend him from being Commissioner of ye Customes, butt I would not, butt chose rather to represent ye whole matter to yr. Lpps., and att ye same time humbly desiring you would gett him removed, for in ye first place 'tis an unnecessary office, tis takeing 150*l.* a year from ye Queen for nothing; My Lord Weymouth first coyn'd this office for his couzen Thym; by vertue of wch. he suspended Mr. Buckeridge ye Collector, and receiv'd ye 4½ *p.c.* himself, Mr. Buckerige went home and was restored, by yt. time he came back Mr. Thym died, and never accounted to ye Queen, and owes to this day 5 or 600*l.*, he left an estate wch. Col. Codrinton and this Mr. Perry putt into ye possession of a notorious woman yt. liv'd wth. Mr. Thym; had I or Mrs. Buckerige any directions, ye debt might be recover'd yett; after Mr. Buckeridge came over, he design'd to meddle in it. Butt Col. Codrinton having got Perry made Comr. in ye room of Mr. Thyn, this Mr. Perry suspended Mr. Buckeridge once more, wch. gave him an other voyage to England and he is once more come back Collector, wth. orders to Perry to suspend him no more; Mr. Blathwyte has made this Perry his Deputy Auditor, wch. is just nothing, for ye Queen has no Revenue here butt ye 4½ *p.c.*, ye Queen has no Quitt-Rents, nor has there been any fines since I came or any other Revenue. Mr. Perry is also incapable by Law to be a Comr. of ye Customs, for he is a tradeing man, and one of ye greatest merchts. in ye Iland, he had near 3,000*l.* cargo last year from

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England, wch. he sells by retail, *etc.* He has a brother yt. is Marshall of all ye Ilands, he got his first Commission from Coll. Codrington and then confirm'd in England, he had leave for 6 months, butt he has been gone near 3 year, and is offering to sell his Comssn. for 150*l.* I have putt in one Mr. Mich. Ayon for this Iland, wch. I desire may be confirmed, ye place itself is not worth much, and of great fateague, for he is ye only ministerial officer of ye Iland; there ought to be for each Iland a Marshal, for tis a place of great trust, tho' little proffitt, and each ought to give security in ye Iland, where he is Marshall; Mr. Ayon has given good security for this Iland. I desire nothing butt what is truly for H.M. service and ye good of ye Islands. Coll. Codrington, wth. his two Perrys, and some other of his creatures, who were his father's assistants in getting his great estate by carrying on a clandestine trade both wth. ye French and Dutch, tho' sworn to ye Acts of Trade, so plagued and teaz'd Sir Wm. Mathews yt. they broke his heart in 3 months' time. I expected to live well wth. him because he and I were great freinds in England, butt tho he loved Coll. Park, he hated ye Governour of ye Leeward Ilands; I thank God I have so behaved myself that he can find no matter for a just complaint, and all yt. he and his emissorys can do is to cause notorious lyes to be spread about and writ home; one is yt. I had got 20,000*l.* by seizing of ships, whereof there has not been any sort of vessell seiz'd since I come; an other is yt. I had seiz'd on Coll. Johnson['s] estate; when Coll. Johnson was kill'd, I gave ye administration for ye use of ye widdow to Major Gore, who is Major of ye Regt., who according to ye practice of ye army is to take care of any officers' effects yt. dyes. Accordingly he took possession (Coll. Johnson in his time seiz'd 7 ships, tho I have seiz'd none) and by order of ye Queen's Council I was to have half ye perquisitts during my absence. His being kill'd so soon after my comeing, I had not time to adjust wth. him, nor did I know till afterwards what he had receiv'd, butt I appointed in behalf of ye widdow 4 of ye principle men to appraise ye estate to ye administrator, wch. they did, and I think to more then ye value. What I had I bought of Major Gore, ye administrator, as other men might do, and did. When I came to take an account of wt. my part came to of the ships yt. were seiz'd (wch. accounts I had from ye Records. and can admitt no dispute), I found that Coll. Johnson owed me more then what I bought of ye administrator came to, and if ye widdow thinks ye appraisment was to her disadvantage, I have still by me every thing butt some of ye plate, and will return all I had, and lett her make ye most of it, and lett her pay me my due. My perquisites dureing my absence

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were ten times greater then ever I shall make them now I am here ; for though I take all manner of advantages of ye ships as Coll. Codrinton, and as by his advise Johnson did, I might gett mony, butt I must have ruin'd ye Ilands as well as ye owners. I shall always be of opinion yt. laws were made to prevent illegall tradeing and not to ruin honest men yt. had no design to cheat ye Queen because some words were amiss in his Register, or one of his seamen had a peice of linnen in his chest not entred, or perhaps ye master had lost his Register in his voyage, tho' att ye same time offers his oath that he brought out one, and offers security to produce a certificate within 9 months ; Mr. Baron's ship was seiz'd for having a few pantyles that had been reported in England, tho not landed, he may recover of Coll. Codrinton if he getts him in England, butt he will find it difficult to do it here, except he getts an Order of ye Queen and Council to repeal their Law for Courts ; tis not in my power to help him. I think this worth yr. Ldps.' consideration, for 'twill be to no purpose for me or any other Generall to endeavour to repeal this Law, some yt. will always be chose of ye Assembly are so much in debt and have such ill titles to their estates, they will always fly in any Generall's face yt. shall go about it ; Mr. Dummer can inform you as well as Mr. Baron and many others how difficult it is to gett their cause so much as heard ; no Inhabitant will accept of a power to prosecute his fellow planter, except 'tis with design to do him no good, and it ought to be of very great consequence to send over any one on purpose, if they do, it must be a lawyer, for no lawyer will take a fee against an Ilander, if you offer him a fee he tells you yr. adversary has given him a generall retaining fee ; Mr. Dummer sent over a lawyer, and tho I used my authority to do him justice, it came to nothing. As to criminall matters one would think ye inhabitants of this Iland could be guilty of no crime, for except soldiers, sailors or strangers, no inhabitant has ever been punish'd since I came, and yett this town of St. Johns is ye most wicked town I ever was in, no justice of peace ever punishes anybody or binds them over to ye sessions. I have bound some over, 'tis true, butt all were brought in not guilty, these are ye reasons no strangers will settle among them, except he can att once buy an estate. Ye rich oppress ye poor to yt. degree that should there come a peace for seven years, noby would be here butt negroes and their masters or overseers ; in Barbadoes they have provided by a law yt. every man for every ten blacks shall keep a white or else for such a quantity of land. I have often desir'd ye same here, butt to no purpose. I now desire yr. Lordps.' directions how to remedy all these disorders. I have

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indeavour'd it, so did Sir Wm. Mathews, butt in vain, and have brought a wasps' nest about my ears for my pains. If I would yett take no notice of all these abuses, in a little time I should have Addresses of thanks from them. The Council, to do them justice, have joyn'd with me very heartily to gett this pernicious Law repeal'd, and to see yt. Justice be administr'd, butt their joining will do no good without ye Assembly joynes also. This is ye true state of this Iland, and in some measure of ye rest, *etc.* Signed, Daniel Parke. *Endorsed*, Recd. May 26, Read June 22, 23, 1708. 11 pp.

1383. ii. Inhabitants of Antigua, March 5, 1707(8). Men, 1,001. Women, 805. Boys, 514. Girls, 524. Superannuated men, 48. Free negros and malattos, 17. Negroes, 12,943. *Endorsed*, Recd. May 26, 1708. $\frac{3}{4}$ p. [C.O. 152, 7. Nos. 46, 46.i., ii. ; and (without enclosure ii.), 153, 10. pp. 156-173.]

March 9.
Boston.

1384. Mr. Bridger to the Council of Trade and Plantations. Since my last, there has been great distruction made in H.M. woods, chiefly by Mr. John Plaisted of New Hampshire, Counciller, Judge and Justice. The preservation of H.M. woods is of the greatest consequence and is the only intrest that H.M. has reserved, wch. is principally and first to be taken care of in these parts ; no other produceing such masts *etc.* *Refers to* the contract of Francis Collins *etc.* They loaded two large masts also, for which they had no contract. These were old masts cut many years before by Plaisted, and sold by him to Collins. The ship *Prince* being loaded, I cancelled the bond *etc.* Not long after, Mr. Plaisted tells me he would cut great masts. I repeatedly forbid him, but he persisted, and sett his workmen into the woods to cut the biggest masts the land would produce. I wrote to the Governor who at length put out proclamations, and forbid all cutting any masts, according to the clause in the New England Charter. But Plaisted said that was no law, neither was the Charter. I toke a guard into the woods and tried to stop him, but the more I spoke the more he cutt, upheld by John Mico, and produced a licence from Queen Mary in 1691. I then toke up the workmen, bound them over to appear at the next Court, which obliged me to go for Boston to take advice from the lawyers, this was in the extreamest cold weather as ever I knew. I froze my face and neck many times this winter. The snow and cold caused me to miss the Court at York by two hours, but the case was continued till April. I pray your Lordships' order for receiving the fines. One Court is for 6 masts fallen 13 miles in the woods, the other is for 10 cutt by those that gott loggs at Exeter. Those tryalls will cost me a great sum by reason of their distance, and no lawyers but at Boston, makes me pray your Lordships to lay enclosed Bills before my Lord High Treasurer. My travelling expenses *etc.* are very heavy and I have drawn bills for my own and Deputy's

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salaries, etc. *Prays* to be allowed a clerk. I have to the best of my ability defended H.M. woods against the whole Country, who are all against me. If this insolence be suffered, H.M. intrest must fall, the damage done by Plaisted is not to be valued, for he has sett that door open that never was before, yett his employer Mico, when I told him of his falling great masts, said he would defend him. The country people complained to me that unless he was stopped, the country was ruin'd. Finding nothing would stop Plaisted's proceeding, I at length obtained from the Governor warrants to seize all masts, and have seized all that was hawled out of the woods ; the rest I shall seize as soon as they are hawled out. Plaisted sett so many people to fall masts, that he could not give any accot. of the number he had fallen, neither was he ever with those that he imployed, but twice. On my complaint, the Governor writes to him to give an accot. on oath. *Refers to enclosures.* When they have so many masts by them here, 'tis most certaine there is a great many thrown away. Yet he says he wants 100 more. By his own confession he has not sav'd above one in four, the reason is verry plaine, for the country people says he employs such as do not understand it, and thereby destroys more then he getts. This insolence is no more to be suffered then murder, and like it's nature, for H.M. woods if once destroyed, will be for ever the same. If those masts under seizure should be released, all would cutt where and when they please, Mico would then support Plaisted to a worse degree of mischief, if 'twere possible. They have not followed the contract at all : there are 58 above contract in those I have seized, and no doubt there are many more, and therefore pray H.M. may have them all. *Prays for directions as to fines and masts. Proposals for preventing waste of woods :* (1) Licences to be explicit as to numbers and dimensions of trees and for one year only. (2) Cases of cutting without licence to be tried forthwith by special Courts. H.M. Surveyor of Woods to be Surveyor of Lands too, and no grants of lands to be made until surveyed by him. (3) The Act of Parliament *for the encouragement of Naval Stores* to be amended by an addition preserving white pine or mast trees of 24 in. diameter at 12 inches from the earth, as in the Charter of N. England.

As to the tarr and pitch, I fear the discouragement that the merchants mett with the last year about their receiving the premium has done that trade a verry great injury. I last summer got the Governmt. to print directions, and have been in most parts that make tarr in this Province, and have instructed and encouraged them to making of tarr etc. But they want an example, saying let us see you do what you have directed, and if we see that answers, then we will proceed. This I have no fund for, nor money, which if your Lordships please to order my friend Mr. George Willcocks, if it were but 100*l.*, I would be accountable on oath, and H.M. should have the produce. I have comply'd with all my Instructions, except in one Article, which is to proceed to New Yorke, but the present circumstances of H.M. Woods have keep me these seven months at the Eastward etc. *Signed,*

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J. Bridger. *Autograph additions* :—This Mr. Mico has told me before a great many people that all the letters that I wrott to the Governor was shewn him [*? by*] the Governor. *Refers* to enclosed bills of exchange, and prays that a copy of above letter may be laid before the Lord High Admiral. *Endorsed*, Recd. May 19, Read June 14, 1708. 8 pp. *Enclosed*.

1384. i. Abstract of preceding with Memoranda for reply to and proceedings upon above. 5 pp.

1384. ii. Extract from Mr. Collins' contract, with Mr. Bridger's comments, showing that he has no licence to cut trees above 26 in. diameter. Mr. Mico threatens to turn me out. I pray your Lordships to here me first *etc.* March 6, 1707. *Signed*, J. Bridger. 2 pp.

1384. iii. (a) John Plaisted to Governor Dudley. Boston, Feb. 25, 1707. Letter and deposition as to 160 trees felled by him since Oct., for Messrs. Mico and Lechmere, Agents for Mr. Collins, in the township of York *etc.*, of 20–26 in. diameter. *Signed*, Jno. Plaisted. (b) Mr. Bridger's comments thereon, with his permit for the trees to be brought down to Piscataqua River, *etc.* *Signed*, J. Bridger. *Endorsed*, Recd. May 19, Read June 14, 1707. 4 pp.

1384. iv. Deposition of Capt. Robert Eason and Capt. Nathal. Austin that Mr. Bridger forbade Arthur Reames, Master of the *Prince*, from taking two 35 in. masts on board. Feb. 13, 1707(8). *Same endorsement*. 1 p.

1384. v. (a) Number of mast-trees marked and reserved for H.M. service by Mr. Bridger's Deputies, Ichabod Plaisted, Ezeckell Wentworth, Capt. Robert Coffin on the Piscataqua, Che-Checoo, Lamperlele and Exeter River districts. *Total* :—290. Mr. Jno. Plaisted says by his oath he has cutt 266. He has cutt more than I shall be able to preserve unless he is restrained, *etc.* *Signed*, J. Bridger. (b) Account of trees cut by Jno. Plaisted, without H.M. licence, and seized by order of Mr. Bridger, Feb. 16, 1707. 58 above the dimensions of the contract, *etc.* *Signed and endorsed as No. 1384.iii.* 2 pp.

1384. vi. Certificate as to the ordinary price of horse-hire *etc.* Boston, March 10, 1707. Horse-hire per day 2s. 6d. Horse-meal when travailing, 2s. Horse and man over Winisimett Ferry, 15d. *Signed*, Addington Davenport, Henry Francklyn, [—?] Roberts, Tho. Newton, Stephen North, George Turfrey, Richard Conyers. *Same endorsement*. 1 p.

1384. vii. Dimensions of masts which Mr. Plaisted ordered to be cut for him at Exeter. Sept. 25, 1707, with prices. Ranging from 20 in. diam. at 3l. to 38 in. at 100l. *Signed*, Robt. Coffin. *Same endorsement*. 1 p.

1384. viii. Copy of Mr. John Mico's Bond in 2,000l., and Mr. Bridger's deposition as to his intention in taking it. Oct. 1, 1707. Cancelled, Dec. 31. *Same endorsement*. 2 pp.

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1384. ix. John Plaisted to Governor Dudley. The number of trees which are fell I cannot give an exact account, not one in four proving sound, but am morally possitive that I want 80 or 90 to compleat my contract with Mr. Collins. They are from 26 inches to 20 which are fell off any propriety, but not above 10 or 12 in number. The remainder, upwards of 100 are all cut upon perticoler men's rights which I pay them for, are from 20 inches even to the biggest wee can gett, which I suppose may be 34 inches, but not above one of that dimentions. Those are bought off Capt. Peprill, Mr. Layton, Timothy Wentworth, and of my own grants. I had sum men upon Merimack a falling. I cannot say what they have done, but ordered them to desist so soon as I receaved your Excellency's commands *etc.* *Signed*, John Plaisted. Portsmouth, Jan. 29, 170 $\frac{7}{8}$. With Bridger's comments subscribed. *Same endorsement.* 1 p.

1384. x. Copy of preceding, sent to Mr. Bridger by Mr. Plaisted. Omits mention of the bigger trees. *Signed*, Jno. Plaisted. Portsmouth, Jan. 28, 170 $\frac{7}{8}$. 1 p. Mr. Bridger's comments subscribed ;—He has one grant in the world. Confesses in this what he denies upon oath *etc.* *Same endorsement.* 1 p.

1384. xi. Deposition of J. Bridger. All the mast trees cut for 5 months past by J. Plaisted were felled without the Royal licence and contrary to my orders *etc.* *Signed*, J. Bridger. *Same endorsement.* 1 p.

1384. xii.-xxi. Accounts and copies of the Bills of Exchange drawn by Mr. Bridger. Boston, March 7, 1707(8), with receipts from his Deputy *etc.* *Signed*, Richard Gerrish and Ichabod Plaisted. *Same endorsement.* 10 pp. [C.O. 5, 864. Nos. 201, 201.i., 202, 202.i.-220 ; and (without enclosures) 5, 912. pp. 404-424.]

[March 9.] **1385.** Depositions of Thomas Tucker, of St. Jago de la Vega, and James Whitechurch in support of petition of Jan. 26, 170 $\frac{7}{8}$, *q.v.* *Endorsed*, Reed. Read March 9, 170 $\frac{7}{8}$. 2 $\frac{1}{2}$ pp. [C.O. 137, 7. Nos. 76.A, 76.B.]

[March 9.] **1386.** Copy of Writ of Escheat and Inquisition thereupon, Jamaica, Nov. 25, 1706, referred to in preceding. *Signed*, Richard Rigby, Prov. Marsh., Henry Willis, Rich. Parrock, Samuel Knight, Henry James, Alexander Brooks, John Jones, Stephen Redwood, George Fletcher, John Spencer, Thomas French, Samuel Barratt, James Westaway. *Endorsed as preceding.* 2 pp. [C.O. 137, 7. No. 76.C.]

March 9. **1387.** Deposition of Simon Tristand, Dec. 2, 1693. To his knowledge, Col. Codrington disposed of some negros belonging to Mr. Duport on his estate in St. Kitts, *etc.* *Copy.* 1 $\frac{1}{2}$ pp. [See Feb. 18.] [C.O. 152, 7. No. 38.]

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March 9.
Antigua.

1388. Col. Jones to Mr. Secretary Harley. I have some reasons to suspect that my letters are stopt, for the letter I recd. from my cousin informing me of your Honour's great favour in obtaining H.M. lycense for comeing for England was not delivered till two daies after the arrivall of the pacquett, *etc.* My life att present is a burthen to me, when I see Gentlemen Officers and soldiers see us'd, and that 'tis not in my power to relieve them, strangers made officers over the heads of Gent. that had serv'd for many yeares, our men sent in private sloops, to trade, without my knowledge or consent, and [*the*] poore souls treated like dogs. In short, Sr., here's nothing but confusion, the Assembly of this Island upon three daies sitting dissolv'd, and for noe other reason but for adresssing in the behalfe of a poore woman, who had soldiers put into her house to take possession of the same, without law or reason, and threatening to take her goodes and negroes without cause or colour whatsoever, *etc.* Signed, Ja. Jones. *Endorsed*, Recd. June 29. 2 pp. [C.O. 152, 42. No. 8.]

March 10.
Petty France.

1389. J. Chamberlayne to Lord Herbert. Encloses following to be laid before the Board. "If you want any further *éclaircissement*, Mr. Ludolf will attend," *etc.* Signed, John Chamberlayne. *Endorsed*, Recd. Read March 11, 170 $\frac{1}{2}$. 1 p. *Enclosed*,

1389. i. H. Ludolf to the Council of Trade and Plantations. Above 25 years agoe several Germans arrived with Mr. Pen in Pensylvania and several others followed afterwards upon Mr. Pen's assuring them that they shou'd be naturalized or at least be made free Denizons. In order whereunto he made a Law to that effect in the Assembly of Pensylvania, but that Law was rejected by the Queen's Attorney General and the Council of Trade and Plantations. The abovesaid Germans are threatned that upon Mr. Pen's loosing the Governmt. of Pensylvania, an Office of escheat is to be set up, and all houses and lands taken away from aliens in Pensylvania, which wou'd ruin several families who have toyled so many years to make the said lands of some use, and have besides been very usefull to that Countrey by introducing the Linnen manufactory there. *Pray* H.M. to give the necessary orders for continuing them in their possessions *etc.* Signed, Henry William Ludolf. 1 $\frac{1}{4}$ pp. [C.O. 5, 1264. Nos. 30, 30.i.]

March 12.
Whitehall.

1390. W. Popple, jr., to Mr. Solicitor General. Encloses petition of James Whitechurch *etc.* [see Jan. 26, 1708] with copy of an Act of Jamaica, 1698, for confirming and securing titles to estates (confirmed 1700) and Governor Handasyd's Instructions touching escheats *etc.* The Council of Trade and Plantations desire your opinion, whether the limitation of five years' possession, mentioned in the foresaid Act, do's bind the Crown, upon which the petitioners' claim seems to depend. I also enclose a clause in an Act of Jamaica for the prevention

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of Law Suits, which relates to escheats. [C.O. 138, 12. pp. 228, 229.]

[March 12.] **1391.** Sir John Bennett to the Council of Trade and Plantations. Reply to E. Jones' suggestion that Lt. Governor Bennett suspended him for the sake of the profits of his offices *etc.* Lt. Governor Bennett affirms that he never did call the Secretary to accompt of the Registers or fees of his Office nor for the land he holds as Secretary, during Jones' suspension, nor since. Greatbatch was not made Deputy Provost Marshall untill after the death of Rawlins, who was Jones' Deputy at the time of his suspension. Greatbatch had all the fees and perquisites of that office, which are very inconsiderable, and two shares of land allowed him for keeping a horse and executing that office, and all he accompted with the Governor was for the rent he had received of four other shares of land allowed Jones as Sheriff. Bennett gave this Board an account of that money after Jones' suspension was taken off, and desired their direction whether he should pay it to Jones or not, but before he could have an answer, Jones arrested Greatbatch and filed a declaration against him, and would not stay for their Lordships' order therein, which he concludes was the reason he never had their Lordships' command, and therefore left it to be directed by law. All the money in his hands of the rent of the Sheriff's land amounts to about 40*l.* Captain Jones' offices may be worth about 200*l.* per annum, Bermuda money, besides the six shares of land allowed him, and therefore he hopes this Board cannot think he suspended Jones with any design of making any advantages of his offices, especially as he was suspended immediately after the Governor's arrival, on articles exhibited by the Assembly for crimes before his arrival. Greatbatch is dead. He was at sea when that plea was put in for him. The Governor never received sixpence of any other profits of any of his offices, and knows nothing of them. As to the allegation, on the hearing, that he makes Judges and Justices, and thereby might influence the election of Members of the Assembly, he says that the Assembly that addressed for [Jones'] suspension were chosen upon his first arrival before he knew them or any on the Island, and the Council are made here by the Queen, and he never makes any Judge, Justice or Officer in the Government but what were first recommended to him by the Council, as his Instructions require. To shew that he never put in or put out to serve any turne, he never turn'd any out of their Civill or Military Commission, but one Capt. Stone, who was Justice of the Peace, for reasons approved by the Board, he believes, he never hearing to the contrary. He never did concern himself in any of the elections, nor directed or insinuated to any of the Justices to put up any persons for the election. As to Jones' pretences of having petitioned him to have his witnesses examined, and that no Justice would take affidavits, he says he does not remember nor beleive any such petition was delivered to him, *etc.* Signed, Jo. Bennett. Endorsed, Recd. Read March 12, 170*7* $\frac{1}{2}$. 1*½* pp. Enclosed,

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1391. i. Certificate by Charles Minors. Lt. Governor Bennett never demanded or received the rents or profits of the Office of Secretary during Mr. Jones' suspension, etc. *Signed*, Cha. Minors, Depty. Secry. *Sealed*. 1 p. [C.O. 37, 8. Nos. 47, 47.i.; and (without enclosure) 38, 6. pp. 327-332.]

[March 12.] **1392.** (a) Copy of Governor Crowe's Warrant for the arrest of William Bushell, Master of the *Laurel*, for taking out of one of the boats of H.M.S. *Crown*, a seaman impressed from his ship in accordance with the Governor's warrant. Barbados, Aug. 6, 1707.

(b) Copy of W. Bushell's petition to Governor Crowe. He had not seen H.E. Order, but went on board the *Crown* to show H.R.H. order for the protection of his seamen. Whereupon the Lieutenant knocked off his wig and ordered him off the ship, then followed him to his ship and seized him and 4 of his seamen, etc.

(c) Copy of Governor Crowe's Warrant for the discharge of Capt. Bushell. Aug. 8, 1707. *Signed*, Tho. Wright, D.P.M. *Endorsed*, Recd. (from Mr. Johnson, M.P. for Liverpool) 12th, Read 25th March, 1707. 3 pp. [C.O. 28, 11. No. 2.]

March 12. **1393.** W. Popple, jr., to Mr. Burchett. The Council of Whitehall. Trade and Plantations transmit the usual Heads of Enquiry with some additional Instructions, humbly submitted by them to H.R.H., the Lord High Admiral, to be given in charge to the Commodore of the Newfoundland squadron, unto which their Lordships pray they may receive answers from the Commodore, and particularly to such of the Instructions as relate to the provisions. *Annexed*,

1393. i. Heads of Enquiry relating to the Trade and Fishery of Newfoundland. Nos. 1-30 are the same as those given to Capt. Underdown and answered by him Nov. 28, 1707. Nos. 31-34 correspond to Nos. 33, 38, 41 and 42. The others are omitted. The Additional Instructions are the same, except No. 1, which is altered to "You are, upon your arrival, to take care as far as in you lies, that the most effectual methods be taken for remedying the said irregularities and mischiefs, as likewise that those others formerly complain'd of, be not again practised"; and No. 4 concludes:—But whereas the Commodores for these two last years have not return'd any such account of the said 8 men's provisions, nor of the disposal of the rest, but only a bare account of what provisions were remaining at the time of their surveys, you will find hereunto annex'd a state of the provisions drawn from the surveys made by Order of Commodore Underdown, Sept. 20, 1706 and June 28, 1707. And you are therefore upon your arrival to inspect the whole stores and provisions, as well what shall be remaining as those sent this year, both in regard to their quantity and

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quality or goodness, and to return to the Council of Trade and Plantations a particular account of the disposal of the stores sent in 1705, 1706, 1707; as also of the abovesaid 8 gunners' provisions, and of what shall be remaining at the time of your departure. (5) You are to inspect the stores of war, and to return an account thereof to the Council of Trade, as likewise of what further stores are necessary to be sent. (6) To pass the soldiers in muster, with the assistance of the Commander in Chief, *etc.*, and (7) to examine what men have been inlisted into the company in Newfoundland, and whether they were men belonging to ships, or inhabitants, and you are to return an account thereof to the Council of Trade. Your answer to the state of the Fishery is to be reduced into a scheme. *Annexed,*

1393. ii. State of the Provisions at Newfoundland, as surveyed by Capt. Underdown.

1393. iii. Scheme of the Fishery as returned in 1702. [*C.O.* 195, 5. *pp.* 1-19.]

March 12.
Admiralty
Office.

1394. Mr. Burchett to Mr. Popple. H.M.S. *Warwick* and *Valure*, now at Spithead, are under orders to proceed forthwith to Newfoundland, to convoy the trade bound thither. The *Faulkland* is intended to be suddenly sent to Lisbone to convoy the salt ships from thence to Newfoundland, and another fourth and sixth rate man of warr are to sayle from Spithead May 4th, with the sack ships. The *Looe*, now at Milford, is appointed to convoy the trade from Bristol Channell to Newfoundland. *Signed*, J. Burchett. *Endorsed*, Recd. 13th, Read 15th March, 1703. 1½ *pp.* [*C.O.* 194, 4. No. 60; and 195, 5. *p.* 20.]

March 13.
Boston.

1395. Mr. Bridger to the Council of Trade and Plantations. I have one munite, the wind being out of the way, further to informe your Lordships, that is the exportation hence of Naval Stores in this fleet vizt. :—

Tar in barrells	..	..	..	..	..	2190
Pitch in do.	..	..	..	..	..	2275
Rozin in do.	..	..	..	..	..	68
Tirpentine in do.	..	..	..	..	..	1924

Total 6457 barrels=2900 less than last year.

The decrease is owing to (1), The Navy's not paying the premiums according to the Act of Parliament. That has so discouraged all people here from buying any of those stores, that they rather chouse to send other goods, tho to a greater loss when in England very often, *etc.* (2) The planters are entred so far into the making their own woollens, that not one in 40 but wares his own carding, spinning, *etc.* *Repeats part of March 9.* They are so fond of their own ways and thoughts, that nothing can draw them of, but that which must tend to their present advantage. My saying that they may by making tar *etc.* get money enough to buy 2 coats in the time they are carding, spinning *etc.* to make one, they will not believe unless they see it tryed before their faces. I know

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but one or 2 ways to avoide it, one by appointing me a summe, as *March 9*. The other is by erecting or incorporating a boody of people to sett on this affaire heartiely, *etc.* If the growing trade of woollens be noway prevented in its growth England must loose the woollen export to all this part of America. I have a perfect knowledge of all these parts, and designed to have been at New Yorke *etc.* the insuing summer but cannot unless allowed for travailing expenses *etc.* New Yorke I know, and upon Huddson's River there is pitch pine enough to supply England with tar, *etc.*, ware the inhabitants instructed. And Connetticutte River I well know where any quantity might be made, if they ware instructed, and many other places, to farr of for my charge *etc.* Since my being in Boston here have come to me severall contrey people out of the woods, wch. has informed me that they know of a great many men that are loggers that has cutt masts and have done so many years, and will make a very great discovery to me. *Prays* that the seized masts may not be released, as *March 9*. If I am cast in either of the cases referred to *March 9* I am advised to appeal to the next Court and then to H.M., for nothing else will do it so effectually *etc.* Signed, J. Bridger. Endorsed, Recd. 28th, Read 29th June, 1708. 3 pp. [C.O. 5, 864. No. 224; and 5, 912. pp. 130-135.]

March 13.
St.
Christophers.

1396. Governor Parke to the Council of Trade and Plantations. I here send your Ldpps. the Address of Nevis, wch. I desire your Ldpps. may be delivered to the Queen. *Refers to enclosures.* The first list that was sent me from Montserrat the French took, notwithstanding I gave all the caution I could to distroy all publick letters; in the Packett all are thrown overboard in any danger; but by other vessells, the Masters' thoughts are imployed in defending their vessells or takeing care of what belongs to themselves. Col. Wm. Buttler desires to be excused serving as one of the Council of Nevis being old. Mr. Smergin, another of the Council of Nevis, is dead; I formerly writ to your Ldpps. that Col. Burt was dead, and Col. Tho. Buttler refused to take the oathes; there is therefore but barely enough to make a Council; your Ldpps. has a list of the most eminent freeholders and inhabitants; tis equall to me who are of the Council, 'tis very differant in these small Islands to what it is in Barbados, and I am forced to Court men to be of the Council and to be Justices of the Peace and Militia Officers. Signed, Daniel Parke. Endorsed, Recd. May 26, Read June 22, 1708. Holograph. 2 pp. Enclosed,

1396. i. Address of the Governor, Lt. Governor, Council and Assembly of Nevis to the Queen. March 11, 1708. Return thanks to H.M. for commending their plight to Parliament and for the Commission of Enquiry appointed. Mr. Christopher Rhodes has discharged his trust with zeal, *etc.* The late Hurricane has blown down most of the few houses left by the enemy and in a manner destroyed the whole production of the country. If your Majesty

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shall vouchsafe us a seasonable releif, we doubt not but in few years to recover our former state *etc.* *Signed*, Daniel Parke, W. Hamilton, Danl. Smith, Richd. Abbott, J. Bevon, Lawrce. Brodbelt, James Milliken. Tho. Goare, Speaker, Michl. Williams, Tho. Bridgwater, Ed. Parris, Mich. Smith, Rob. Eleis, Josa. Hobson, Samuel Browne, Ja. Symonds, James Browne, Solomon Izrael, Wm. Kitt. *Endorsed*, Recd. May 26, 1708. 2 $\frac{3}{4}$ pp.

1396. ii. List of persons to supply vacancies in the Council of St. Christophers :—Jedediah Hutchinson, James Biskitt, Francis Phipps, John Bourryan, John Peteres, Wm. Woodropp, Clement Crook, Rowland Davis, Joseph Esteridge, Benjamin Esteridge. *Same endorsement.* $\frac{1}{2}$ p.
1396. iii. List of persons to supply vacancies in the Council of Nevis :—Thomas Goar, Speaker, Lt. Col. Robt. Eleis, Major Michael Smith, Major Jno. Richardson, Major Mich. Williams, Capt. Jno. Thornton, Capt. Jos. Simmonds, James Simmonds, Capt. Tho. Bridgewater, Lt. Col. Edward Parrise. *Same endorsement.* $\frac{1}{2}$ p.
1396. iv. List of Inhabitants of St. Christophers. Jan. 2nd, 170 $\frac{7}{8}$. *Totals* : Masters and Mistresses (names and ages given), 331. White men in their families, 396 ; white women, 396 ; boys, 326 ; girls, 298. Slaves, men, 932 ; women, 1,089 ; boys, 446 ; girls, 394. *And see following. Same endorsement.* 8 large pp.
1396. v. List of Inhabitants of Trinity and Palmetto Point (St. Kitts). Feb. 8, 170 $\frac{7}{8}$. Masters and Mistresses (names and ages given), 46. White men in their families, 66 ; women, 66 ; boys, 69 ; girls, 53. Mullatoes, men, 3 ; women, 3. Negroes, men, 140 ; women, 148 ; boys, 88 ; girls, 51. *Same endorsement.* 1 p.
1396. vi. List of Inhabitants of Nevis. Masters and Mistresses (names given) :—352. White men in their families, 529 ; women, 575 ; Black males, 1,775 ; females, 1,901. *Same endorsement.* 7 large pp.
1396. vii. Number of Inhabitants of Montseratt, Jan. 29, 170 $\frac{7}{8}$. White men, 516 ; women, 422 ; boys, 324 ; girls, 283. Black men, 1,113 ; women, 1,265 ; boys, 575 ; girls, 617. *Same endorsement.* $\frac{1}{2}$ p.
1396. viii. Account of ordnance and stores of war in Nevis, Dec. 15, 1707. *Signed*, James Milliken. *Same endorsement.* 1 p.
1396. ix. Account of ordnance and stores of war in Montserrat, Jan. 29, 170 $\frac{7}{8}$. *Signed*, Antho. Hodges. *Same endorsement.* 1 p. [C.O. 152, 7. Nos. 47, 47.i.-ix. ; and (without enclosures) 153, 10. pp. 173-178.]

March 15.
Boston.

1397. Lt. Governor Usher to the Council of Trade and Plantations. Recommends Mr. Mentzis (March 6). As for N. Hampshire Governmtt., ye Crown $\frac{1}{5}$ of all thatt shall be made as per agremtt. with Mason, besides the greatt waste of trees

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fitt for H.M. service, the Towns are divideing all lands in comon to perticular persons, soe claimeing all as private persons' rightt. As to Province Main and soe Eastward, all in the Crown, humbly offer if H.M. should reduce St. John and Port Roiall to Crown, may be of service, to preserve to H.M. a partt of all cole mines, weh. may be in time of greatt vallew. Certain settleing Eastern partts of greatt advantage to ye Crown, and humbly conceive nothing better then by ye Scotch. As for Mentzis, I have these 15 years been acquainted with him, ever found true and faithful, do humbly recommend him to your Lordships for information of state of whole country. *Signed*, John Usher. *Endorsed*, Recd. May 26, Read June 3, 1708. *Holograph*. 1 p. [*C.O.* 5, 864. No. 200 ; and 5, 912. pp. 403, 404.]

March 16. **1398.** Merchants trading to Virginia and Maryland to the Council of Trade and Plantations. By several laws lately made in Virginia and Maryland, relating to the size of tobacco hogsheads and tunnage, the ships formerly built are become in a great measure useless for that trade. By a law of Maryland, 1707, masters of ships are to give bond of 200*l.* sterl. not to squeeze, cutt or crop any hhd. or caske taken upon freight into their ships, without having any regard in said law to any particular size of any such hhd. or cask, upon the penalty of 3*l.* sterl., which we think very unreasonable, in regard by this Law they may make their casks what size they please, and the ships be obliged to take them in upon freight, neither indeed are the hhds. to be brought with safety home without making use of handscrows or other engines to squeeze and make the cask fast and stow close, notwithstanding the Laws already for the size of tobacco hhds. in these Governments are now much larger than should be, whereby our ships cannot bring home so many hhds. by one fifth of what they used to do, without any more tobacco therein than formerly, to the great prejudice of H.M. Revenue and the concerned in ships for this trade. *Pray* that these laws may be repealed. *Signed*, Micajah Perry, and 13 others. *Endorsed*, Recd. Read March 16, 1707. *Enclosed*.

1398. i. Reasons for altering the excessive size of casks in Virginia and Maryland, and taking off unreasonable penalties made by their late law in Maryland. Ships are made incapable of carrying by above $\frac{1}{3}$ th what they did before. *Propose* that all hhds. should be stated at 28 in. by the head, and staves 46 in. long. The penalties to be equal for all parties (the maker of casks, etc.). Conceding to so great a tunnage, beyond all other trades, petitioners hope they may have it so regulated. Trade at present is only carried on in hopes of redress. 1 p. [*C.O.* 5, 716. Nos. 47, 47.i. ; and 5, 727. pp. 32-37.]

March 18. **1399.** Council of Trade and Plantations to the Earl of Whitehall. Sunderland. Upon the petition of M. Plowman, repeat representation of Dec. 21, 1704, q.v. [*C.O.* 5, 1121. p. 119.]

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March 19. **1400.** Council of Trade and Plantations to the Earl of Sunderland. *State case of Stephen Duport as Feb. 18 etc.* It appears that he has been a very great sufferer, even to the almost utter ruin of himself and family. He has been for many years known to this Board, and as Agent for St. Xtophers has on all occasions appear'd very zealous for H.M. service and very hearty and affectionate to H.M. Government. We are therefore of opinion that he is a fit object of H.M. compassion and favour in such manner as H.M. shall think fit. [C.O. 153, 10. pp. 135-139.]

March 22. **1401.** Mr. Merrett to the Council of Trade and Plantations. The inhabitants of Newfoundland are fully satisfied with Major Lloyd, save five or six malicious persons of no account, etc. *Prays* for copies of the affidavits against him. *Signed*, Solomon Merrett. *Endorsed*, Recd. Read March 23, 1707 $\frac{7}{8}$. 1 $\frac{1}{4}$ pp. [C.O. 194, 4. No. 61; and 195, 5. pp. 21, 22.]

March 23. **1402.** (a) The Case of Mary Benger, touching Poole Plantation. [See April 1st and 15th.] 1 $\frac{1}{2}$ pp.
 (b) Her affidavit. *Signed*, Mary Benger. 1 p.
 (c) Capt. Cleasby's affidavit. *Signed*, Tho. Cleasby. 1 $\frac{1}{2}$ pp. *The whole endorsed*, Recd. Read March 24, 1707 $\frac{7}{8}$. [C.O. 194, 4. Nos. 62-64.]

March 23. **1403.** Deposition of Wm. Bushell [cf. March 12] and Roger Richardson. Governor Crowe refused to permit him to sail for Liverpool, but compelled him to give a bond of 500*l.* to touch at Antego or some of the Leeward Islands. Scared by a ship which he took to be an enemy, he failed to touch at Antigua as intended. *Signed*, Will. Bushell, Roger Richardson. *Endorsed*, Recd. Read March 31, 1708. 1 p. [C.O. 28, 11. No. 5.]

March 23. **1404.** Council of Trade and Plantations to the Earl of Sunderland. Enclose following to be laid before H.M. in Council.
 1404. i. Council of Trade and Plantations to the Queen. Recommend for confirmation an Act of Virginia for regulating the size of tobacco hhds., and for repeal two Acts of Maryland, (1) for ascertaining the guage of tobacco hhds. 1704, (2) to prevent cropping, cutting and defacing tobacco, taken on board upon freight, for reasons set out, *Acts of Privy Council*, II. pp. 547, 548, q.v. *Propose* that Col. Seymour be instructed to move the Assembly to pass another law conformable to that of Virginia in respect both to the size of the hhds. and to the penalty on the offenders therein. [C.O. 5, 1362. pp. 290-293.]

March 23. **1405.** W. Popple to Wm. Penn. The Council of Trade and Plantations being pressed for their report touching the boundaries of Maryland and Pennsylvania, and their Lordships having there-upon daily expected that you would have attended them, have once more commanded me to let you know they cannot longer

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deferr their Report, that you may dispatch what you have to offer thereupon. [*C.O.* 5, 1292. *p.* 35.]

March 24. **1406.** W. Popple, jr., to James Campbell. In pursuance
Whitehall. of Messrs. Taverner's Memorial [March 5] the Council of Trade and Plantations expect that you should lay before them, as soon as conveniently you can, articles upon which you intend to charge Major Loyd. [*C.O.* 195, 5. *p.* 23.]

March 24. **1407.** W. Popple, jr., to Mr. Merrett. Encloses Mrs. Benger's
Whitehall. case [March 5] for his answer. [*C.O.* 195, 5. *p.* 24.]

March 25. **1408.** Petty Expenses of the Board of Trade, Christmas to
Lady Day, 1708, 13*l.* 10*s.* 5*d.* Stationer's account, 37*l.* 11*s.* 6*d.*
2½ *pp.* [*C.O.* 388, 76. *Nos.* 35, 36.]

March 25. **1409.** W. Popple, jr., to Wm. Lowndes. The Council of
Whitehall. Trade and Plantations being directed by a clause in H.M. Commission to them "to require an account of all monys given for publick uses by the Assemblys in H.M. Plantations," *etc.*, in order to their better proceeding therein, desire you will move my Lord High Treasurer that they may have an attested copy of the patent whereby Mr. Blathwayt is constituted Auditor General of H.M. Plantations, and of his Instructions therein. [*C.O.* 324, 9. *pp.* 164, 165.]

March 25. **1410.** Council of Trade and Plantations to Governor
Whitehall. Handasyd. Since our letter to you of Jan. 29. a duplicate whereof is here inclosed, we have received yours of Dec. 30. In order to protect and encourage the trade of Jamaica, you propose that 6 ships of war be appointed for that purpose. But as we do not clearly understand your meaning, we desire you to let us know whether you mean 6 ships of war besides the squadron appointed to attend your Government. We have acquainted the merchants with the substance of what you write in relation to goods for the Spanish market, and they tell us that it being their interest they constantly send the proper goods, such as are most vendable there. We are in great hopes that by your prudent conduct the Assembly will be brought to a good temper, and that they will fall upon such measures as will tend to H.M. service and the publick welfare of the Island. Upon perusal of the Minutes of the Council of May 29, 1707, in the case of Col. Edlyn, we find that the Members thereof claime a priviledg of not being sued for their debts without leave first obtained from the Council. This being a matter that has often been complained of here, we desire to know upon what Law or usage such priviledg is founded. [*C.O.* 138, 12. *pp.* 234-236.]

March 25. **1411.** Council of Trade and Plantations to Lt. Governor
Whitehall. Bennett. We have not received any letters from you since June 7 last, and have therefore only to enclose H.M. Orders in Council Feb. 20, confirming and repealing Acts *etc.* [*C.O.* 38, 6. *p.* 333.]

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March 25. **1412.** Lt. Governor Bennett to W. Popple. Refers to Bermuda. letter of Feb. 10. This comes in the *Grantham*, which came from Jamaica and meeting with bad weather put in here to refitt. Col. White and Capt. Tucker [Feb. 10], since Mr. Hotchkin, her owner, being very much indisposed, could not part with his cabin for their accommodation, intend to goe by the way of Virginia next week. I have been address by the Council and Assembly to pray their Lordps. to suspend all matters relateing to this Govermt. till they arrive, etc. Signed, B. Bennett. Endorsed, Recd. 1st, Read 21st June, 1708. *Holograph.* 2½ pp. [C.O. 37, 8. No. 56; and 38, 6. pp. 378-382.]

March 25. **1413.** Council of Trade and Plantations to Governor Crowe. Whitehall. *Acknowledge* letter of Dec. 7. We take notice of the preparations and dispositions that you have made to put the Island in a posture of defence, in case the Enemy had attacked you, and we are glad to learn by letters from other parts that that danger is blown over. If so, we doubt not but you will ease the country of the charge of the Militia as much as the publick safety will admitt of. We are sorry to perceive there is so little powder in the Island and we hope that you will take all possible care to replenish the magazines from the powder duty or otherwise, as occasion may offer. We cannot but think that the powder duty if duly collected in specie, and the powder not lavished in salutes as formerly, that duty will sufficiently answer the occasions of Barbadoes. We expect according to your promise, your answer to our letter of Oct. 30, and you may depend that upon all occasions we shall do you justice. We perceive by the Minutes of Council and Assembly you have sent us, that there are several omissions which leaves us very much in the dark, for in several places there are par to this purpose, that such or such a paper was laid before yourself and the Council and is in the words following, vizt. But we find no such paper entred in the Minutes of Council, as particularly Sept. 16 last, Col. Cleland's answer to the complaints against him, which is a very great fault in the Clark of the Council or the transcriber of those Minutes, and therefore we expect that you take care that such faults be corrected for the future. Otherwise the Minutes you send us are of little information. *Enclose* H.M. Order repealing Act for House-Rent [March 5], which you are to cause to be published and entred in the Council books as usual. [C.O. 29, 11. pp. 224-226.]

March 25. **1414.** Council of Trade and Plantations to Governor Parke. Whitehall. *Acknowledge* letter of Dec., 1707. We are glad the alarm you have had of the French has caused the inhabitants to repair Monk's Hill Fort, and draw the line you mentioned. And tho' that alarm be over, yet we cannot but think that the said inhabitants will see the necessity of finishing that work so necessary to their security. We shall expect the Minutes of Council which you promise us, and then shall let you know what observations we may make thereupon. We explained to you, Oct. 30, 1707, what we meant by the list of the inhabitants we

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had required, and we have only this to add, that whenever you transmit to this Kingdome any papers which may be of ill consequence, should they fall into the enemy's hands, you ought to transmit them by the packet boat, the Master whereof has orders for the sinking of them in case of danger. *Enclose duplicates of Jan. 29 and Feb. 26 etc.* [C.O. 153, 10. pp. 140, 141.]

March 26. **1415.** Col. Jenings to the Council of Trade and Plantations. Williamsburgh. I have not troubled your Lordps. for some months. I pray your Lordps. to beleive that my silence hath proceeded only from want of matter worthy your Lordps.' knowledge, and dayly expectation I have for a long time had of the Governor's arrival, and not from want of a due sence of my duty. Having not recd. any comands, I thank God have only now to acquaint your Lordps., that this H.M. Collony is in Peace, and hath noe other misfortune then an extraordinary scarcity of goods and ammunition, of wch. the Planters are almost totally unprovided, butt hope both the one and the other will be supplied by ye speedy arrival of the fleet, and yt. in the interim the stores of warr here belonging to H.M. will bee sufficient for our defence, being under noe apprehension at present of any enemy, except some of our neighbour Indians, who have of late given small jeloussyes, and the French annoying this coast with Privateers the approaching summer, wch. I doubt not but H.M. has given directions to allay our fears and secure us from, and then question not but to preserve this H.M. Collony in Peace, etc. *Signed, E. Jenings. Endorsed, Recd. Read June 16, 1708. 1½ pp.* [C.O. 5, 1316. No. 5; and 5, 1362. pp. 295, 296.]

March 27. **1416.** Mr. Merrett to Mr. Popple. I do not know anything of the affair of Major Lloyd and Mrs. Benger's Plantation [March 5] etc. *Prays* for copies of complaints made against Lloyd, etc. *Signed, Solomon Merrett. Endorsed, Recd. Read March 29, 1708. 1 p.* [C.O. 194, 4. No. 65.]

March 28. **1417.** The Earl of Sunderland to the Council of Trade and Whitehall. Plantations. H.M. having been pleased to appoint the Lord Lovelace Governor of New York and New Jersey, I desire you will prepare a Commission and Instructions for him as usual. *Signed, Sunderland. Endorsed, Recd. 30th, Read 31st March, 1708. ¾ p.* [C.O. 5, 1049. No. 47; and 5, 1121. p. 120; and 5, 994.A. p. 328.]

March 29. **1418.** Two certificates by Merchants and Planters of the Leeward Islands in favour of Lawrence Crabb. He is of good character and estate and was formerly Chief Justice of Antigua etc. 26 signatures. *Endorsed, Recd. Read April 12, 1708. 2 pp.* [C.O. 152, 7. Nos. 41, 42.]

[March 29.] **1419.** Wm. Penn to Wm. Popple. Esteemed friend, I cant goe to ye Lords, being under restraint, and wish those that

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occasion ye hast, dont for yt. reason press it. Indeed I have most reason, and think it a great hardship, yt. I, after haveing made a journey to Maryland, in obedience to that Borde in ye year 1700, for ye partition, should now be threatned to have it done over my head, if I will not attend and concurr. I say once more I will, if alive and able, waite upon them this day month, and then I shall make it appeare the delay has been for ye Crown's service more than mine. If this will not satisfy the Lords, I must desire the favour of thee to come to me, that I may, viva voce, give thee my thoughts, that have obliged me to desire ye time I have askt of ye Lords. I am, Thy sincere ffriend. *Signed*, Wm. Penn. *Endorsed*, Recd. Read March 29, 1708. *Holograph*. 3 pp. [C.O. 5, 1264. No. 31.]

[March 30.] **1420.** R. Davers to [? W. Popple]. Encloses following, etc. *Signed*, Robt. Davers. *Endorsed*, Recd. 8th, Read 12th April, 1708. 1 p. *Enclosed*,

1420. i. The Earl of Sunderland to the Council of Trade and Plantations. March 30, Whitehall. Having a good character given me of Timothy Salter of Barbadoes Esq., who is desirous to be one of ye Council there ; I desire to know whether you have any objection, etc. *Signed*, Sunderland. [C.O. 28, 11. Nos. 6, 6.i. ; and (without covering letter) 29, 11. p. 227.]

March 30. **1421.** W. Popple, jr., to the Lord Baltemore. Mr. Penn. Whitehall. having desir'd, by reason of the restraint he lyes under, that the business of the boundaries between Maryland and Pennsylvania may be put off for a month, April 26 is appointed to hear that matter, at which time he is not to fail to be here. Your Lordship may also, if you think fitting, be here at the same time. [C.O. 5, 727. p. 38.]

March 31. **1422.** H. Wigington to [? the Council of Trade and Plantations]. There came into S. Carolina, the last summer, a vessell from some of the Bahama Islands, on board of which there were some persons who had been taken among those Islands by the Spaniards, who came over to them in Spanish launches and such like craft. We of Carolina were inquisitive after the usage they mett with from the enemy ; they told us that they stript them of their cloths, and took what they had from them, and then let them go and shift as well as they could ; and we demanding of them further what the Spaniards came there for, with so many men, since they had plunder'd and took away from ye inhabitants what they could some time agon ; they said, that the Spaniards came to look for small vessells, wch. sometimes traded there among ye Bahama Islands, and that the Spaniards said to them, that they would not suffer the English to settle Providence any more, but be continually over with them to prevent their liveing on those Islands, for that they design'd to settle that country with Spaniards in a little time etc. *Signed*, Henry Wigington. *Endorsed*, Recd. Read March 31, 1708. 1 p. [C.O. 5, 1264. No. 32 ; and 5, 1292. pp. 36, 37.]

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March 31.
Jamaica.

1423. Governor Handasyd to the Council of Trade and Plantations. I am favoured with your Lops.' letter of Dec. 30 and duplicate of Oct. 30, 1707, *etc.* The Assembly have passed all Laws that were necessary, viz. an Act for providing an additionall subsistance to H.M. officers and soldiers; an Act for the maintainance of prisoners of war; an Act for the raising an additionall Duty and Impost; an Act for making good the deficient Funds of the last Assembly; an Act for confirming a sale made by Joseph Booth; and two private acts in relation to two Free Negroes; all which I enclose, with the Minutes of the Councill and Assembly, by which you will see what work there has been between them and me in getting these Laws passed. I send likewise a copy of an Act which they were preparing with my notes upon it, by which your Lops. will plainly see their design to entrench on H.M. Royall prerogative, and the great injustice they would have done to severall of H.M. subjects, if such a Law had passed, therefore I must desire your Lops.' opinion how I shall behave myself for the future in the like cases. Your Lops. will see in the Minutes of the Councill of Feb. 21, 22 and 23, the reasons I offered for the not passing that Bill, and when I found the Councill were for it, I desired the two following clauses might be inserted in it, viz. a clause to preserve H.M. Royal prerogative and a clause to empower the Receiver Generall to administer an oath to all such as pay their Quitt-Rents, to declare whether they have any more land in their possession, than they pay their [pay] Quitt-Rent for, either for themselves or other persons, both which I found the Councill very much aversed to, except Mr. Stewart and one more; they putt it off with quibbles, saying they would endeavour to perswade the Assembly to pass it in a Bill by itselfe, to which I answered I knew the Assembly better than that; and to be plain with your Lops. except some method be taken, I cannot foresee any end of their turbulent factious humours. The great disrespect that severall of them have shewn to H.M. letter in relation to the hardships put on the Regiment here, will appear by the enclosed copy of an affittdavitt; a great many other pernicious words were made use of on the same occasion, which I cannot so well make proof of, because the evidence recant, as that the Queen was going to dragoon them, and the like; and upon this I thought myselfe obliged to turn one Major and one Captain out of their military posts, not thinking the power safe in their hands: By their message of Feb. 27, they desired leave to adjourn for three months, for that the Queen's and Country's business was done, but that being only an excuse to continue them, and prevent severall merchants and others getting their just debts from them, I found myselfe obliged to let them know, that I should prorogue them for nine months, and soon after I received intelligence from the House that they designed immediatly to adjourn themselves for three months, which would have been such a great intrenchment on H.M. prerogative that I ordered the Provost Marshall to acquaint them that I commanded the Speaker and the whole House to attend me immediatly in the Councill Chamber, where after some debates between the Councill

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and me, before they came, I fully resolved to prorogue them for 48 hours, and then dissolve them, as your Lops. will see by the Minutes of the Council of Feb. 27 was done. All which proceedings of mine I hope H.M. and your Lops. will approve of. I do not know what will be the event of matters here, a great part of our people being inclined to the Vennerean Faction, and cannot endure Kingly Government; and except there be a Chief Justice sent over here from Great Britain who is a man of learning, and will support the Laws of Great Britain, I do not see that anything in our Court will go right. Your Lops. I do not doubt will have an account from the Prize Office how matters were managed in the last grand Court in relation to one Brown, Agent for Prizes, who was 700*l.* or 800*l.* in the Queen's debt. Monsr. Du Cass with his squadron is at the Havanna, and has been there a considerable time; seven Galleons and as many Spanish merchant ships sailed from Carthagene to Porto Bell seven weeks ago. The *Scarborough* man of war brought in about 14 days ago two French prizes, one a homeward bound ship of 300 tonn laden with sugar etc., the other the *Queen Anne* packet-boat, which the French were fitting out for a privateer. Mr. Wager is out with all his squadron, except the *Portland*, which lyes in harbour for want of men: he has on board him all the force I can spare him, which is 170 men of my Regiment, and if he can lie without being discovered in the passage between Porto Bell and the Havana, I hope he will give a very good account of the Galleons, it being almost impossible for them to have any help from the French Squadron, they are so far to leeward and the currents sett so strong against them. Here are arrived by this packet boat 39 recruits, I wish all the rest were come safe. Mr. Jenkins, the Navall Officer, being dead, I have been obliged to put in a person to officiate in his place, till H.M. or your Lordships' pleasure is known, his name is William Norris, he is a very ingenious Gentleman, and has been bred to the Law, and I earnestly recommend him to your Lops. that such men may be encouraged here for the interest of the Crown of Great Britain, the imployment is not worth above 150*l.* per annum, Jamaica mony, but it is something for him to begin upon. My reason is, that these Creoles, who will not allow themselves to be called Englishmen, would have all the imployments in their own hands, that an Englishman may have no encouragement to come amongst them. I recommended to your Lops. some packetts ago for the Council Col. Brodrick and Capt. Oldfield, but I hear Col. Lowe is soon expected over, so shall only remind your Lops. of Col. Brodrick in the room of Col. Sadler, he being a very usefull man for me in the Council, I having but very few I can depend on; and I must request the favour of your Lops. that, as usuall, I may have the recommending of Gentlemen for the Council, that I know are persons in H.M. interest, otherwise I shall have more hardships put upon me than at present, which I shall not be able to bear. I shall acquaint your Lops. of another matter that concerns our interest here, most of our old Councillors are either Factors for the Guinea Company, or else Judges of the Grand Court, by which means

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there can be no redress as to appeals. Two or three days ago one of our privateers brought in a French prize of about 150 tonn, laden with wine, brandy and dry goods. *Signed*, Tho. Handasyd. *Endorsed*, Recd. May 27, Read June 21. 1708. 5½ pp. *Enclosed*,

1423. i. Deposition of W. Parker, Bricklayer. On Dec. 31, 1707, being in company with Thomas Powell, Edward Smith, John Chambers and Richard Nicholls, under a tree before Mr. Henry Barritt's house, saw Mr. Francis March and Capt. Whitgift Aylmer in the Beef Markett. March called deponent and told him there was to be an election on Saturday to choose an Assemblyman, and desired to know who he would vote for. Deponent said he would vote for Capt. Beckford, as before. Then March went, as he told deponent, to the Clerk of the Assembly to get a copy of the Queen's letter, that had been laid before the Assembly. Deponent went to Mr. Murray's shop to buy a few nails. March then desired him to go with him to Mr. Spencer's house, where he read him the said letter, saying that it had relation to the officers and soldiers, and their being made freeholders by their marrying in the country, that so they might be qualified to vote, and then it was thought by that means they might be made Justices of the Peace and Assemblymen, which if they were, then they would raise hard taxes upon the Island, and the Lord have mercy upon us here, and that Mr. Thomas Beckford was a man always for the country. March then told deponent to show the letter to the freeholders, which he did, *etc.* *Signed*, Wm. Parker. *Endorsed as preceding.* *Copy.* 1½ pp.

1423. ii. Governor Handasyd's objections to the following Act. Clause i. is designed to confirm several orders given by the Governor at the first taking this Island, upon which several persons hold their lands without ever having taken out patents, on purpose to conceal their Quitt-Rents *etc.* Clause 5 will result in stripping all infants of their estates as soon as they come into guardianship *etc.* *Endorsed as preceding.* 1¼ pp.

1423. iii. Copy of an Act of Jamaica for preventing vexatious suits at Law. 4 pp. [C.O. 137, 8. Nos. 9, 9.i.-iii.; and (without enclosures) 138, 12. pp. 276-287.]

April 1.
Whitehall.

1424. Council of Trade and Plantations to the Earl of Sunderland. Enclose Mr. Wigington's Memorial (March 31). The scituation of the Bahama Islands makes it absolutely necessary that they should be preserved to this Kingdom; for should the Enemy get possession of Providence, and make a settlement there, the trade from Jamaica, which is highly advantageous, would be interrupted, if not totally lost to this Kingdom. *Refer to Representation of June 17, 1707.* We are still of opinion that the securing of those Islands is a matter of such moment to H.M.

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service, and to the trade of this Kingdom, that it is necessary H.M. pleasure be declared thereupon. [C.O. 5, 1292. pp. 37, 38.]

April 1. **1425.** Order of Queen in Council. Confirming an Act of
St. James's. Virginia for regulating the size of tobacco hogsheads *etc.* (See
March 23.) *Signed*, Chris. Musgrave. *Endorsed*, Recd. 8th,
Read 20th April, 1708. 1½ pp. [C.O. 5, 1316. No. 3; and
5, 1362. pp. 293, 294.]

April 1. **1426.** Council of Trade and Plantations to the Earl of
Whitehall. Sunderland. Enclose following to be laid before H.M. in
Council.

1426. i. Council of Trade and Plantations to the Queen. Report
upon the petition of James and Mary Benger. *See*
Jan. 22, 1708. Recommend that the Commodore
of this year's convoy to Newfoundland be ordered to
put petitioners in possession of Pool Plantation, unless
proof be made to him that they were not in actual and
quiet possession pursuant to the Act of Parliament of
1698. Set out, *Acts of Privy Council*, II. pp. 539–
541, q.v. [C.O. 195, 5. pp. 24–29.]

April 1. **1427.** Order of Queen in Council. Repealing Acts of
St. James's. Maryland, (1) *Ascertaining the gauge of tobacco hhds.*, Oct. 3, 1704,
(2) *To prevent cropping, cutting and defacing tobacco taken upon*
freight, April 15, 1707. *Signed*, Chris. Musgrave. *Endorsed*,
Recd. 8th, Read April 20th, 1708. 1½ pp. [C.O. 5, 716. No.
49; and 5, 727. pp. 39, 40.]

April 1. **1428.** Order of Queen in Council. The Governor of
St. James's. Maryland is to move the Assembly that instead of the *above* Act
for *ascertaining the gauge of tobacco hhds.*, they pass another law
conformable to that of Virginia, in respect both to the size of
the hhds., and to the penalty on the offenders therein, and to
transmit the same to this Board by the first conveniency for H.M.
Royall approbation. *The reasons for the repeal of the above Acts*
are given. Set out, *Acts of Privy Council*, II. No. 1056. *Signed*,
Chris. Musgrave. *Endorsed*, Recd. Read April 20, 1708. 3 pp.
[C.O. 5, 716. No. 50; and 5, 727. pp. 41–44.]

April 2. **1429.** Mr. Solicitor General to the Council of Trade and
Plantations. *Reply to* March 12, upon Whitchurch's petition, *etc.*
It is my opinion that the Crown's title is not bound by anything
in the said Act of Jamaica, because the plea of five years' possession
is only to barre a plaintiffe or demandt. that is not a minor or
under coverture, both which disabilities or rather protections
are in no wise applicable to the person that wears the Crowne,
which shews the design of the said Act to be only to barre such
demandts. and plaintiffes as are sometimes lyable to those
incapacities. But notwithstanding the petitioner cannot make
title against the Crowne by force of that Act, yet I doe humbly
conceive the inquisition which finds the Queen's title is not valid

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in Law, and consequently Mr. Whitechurch's right to the Negroes mentioned in the said writt is not thereby sett aside, for the inquisition does not find the Negroes mentioned in the writt to be the same as Charles Delamain dyed seised of, but only says that the Jurors doe beleive them to be the same. and therefore since it is asserted that the Negro woman from whom the rest have issued was many years agoe sold to the wife of the petitioner by the administrator of Wroth Delamain. whose property she was at the time of his decease, for a debt owing bona fide from Wroth Delamain. and that Charles Delamain was never seised of her, or any of her offspring, which if true will take away all pretences to an escheat, and after so long and uninterrupted enjoyment, everything ought to be presumed that can be thought of in favor of the possessor. And since this inquisition was sett on foot in the absence of the petitioner, even when he was out of the Isle after all his papers had been destroyed by the fire at Port Royall, my humble opinion is that it will be more for H.M. service to direct a grant to be made ad corroborandum titulum of the petitioner than to give any countenance to the grant which Brigadeer Handiside has made of the 11 Negroes to the Provst. Marshall and Secretary, Mr. Rigby. *Signed*, Ja. Mountague. *Endorsed*, Recd. 12th, Read 21st April, 1708. 2 pp. *Enclosed*,

1429. i. Duplicate of No. 1390.

1429. ii. Extract of Governor Handasyd's Instructions relating to escheats. $\frac{1}{2}$ p.

1429. iii. Duplicate of No. 1307.

1429. iv. Clause of an Act of Jamaica for prevention of Law-suits. $1\frac{1}{2}$ pp.

1429. v. Act of Jamaica confirming titles to estates. 3 pp. [C.O. 137, 7. Nos. 78, 78.i.-v.; and (without enclosures) 138, 12. pp. 237-239.]

April 8.
Bermuda.

1430. Lt. Governor Bennett to Mr. Popple. Refers to letters of May 9, 1707, etc. and repeats letter of Feb. 10, 1708. My letter Sept. 22 I conclude lyes at Virginia, that fleet being not yet sail'd. *Signed*, B. Bennett. *Endorsed*, Recd., from Mr. Nodin, Sept. 22, Read Dec. 17, 1708. *Holograph*. $3\frac{1}{4}$ pp. [C.O. 37, 8. No. 74; and 38, 6. pp. 434-438.]

April 12.
Westminster.

1431. H.M. Letters Patent to Norman Mackasgell to be Clerk of the Markets in all the towns of Barbados. *Countersigned*, Cocks. I approve and allow *preceding*. *Signed*, M. Crowe, July 19, 1708. [C.O. 319, 1. pp. 90, 91.]

April 14.
Whitehall.

1432. Council of Trade and Plantations to the Lord High Treasurer. Enclose Office accounts, Christmas, 1707—to Lady Day, and call attention to the half-year's arrear in their own salaries. [C.O. 389, 36. pp. 360-363.]

April 15.
Whitehall.

1433. W. Popple, jr., to Josiah Burchett. The Council of Trade and Plantations desire you wou'd lett me know whether, upon the Union with Scotland, it be necessary to make any

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alteration in the *enclosed draught of Instructions* for the Lord Lovelace for the Government of New York. [C.O. 5, 1121. pp. 120, 121.]

April 15. **1434.** Circular letter from the Council of Trade and Plantations to Governors of Plantations. *Concerning the African Trade.* Set out, *Pennsylvania Archives*, 1st Ser., I, 152, q.v. It being absolutely necessary that a trade so beneficial to the Kingdome should be carryed on to the greatest advantage, *etc.*, and as the well supplying of the Plantations and Colonies with sufficient numbers of negroes at reasonable prices is in our opinion the chief point to be considered in regard to that trade, and as hitherto we have not been able to know how they have been supplied, *etc.* Wherefore, that we may be able at the next meeting of the Parliament, to lay before both Houses, when required, an exact and authentick state of that trade, particularly in regard to the severall Plantations and Colonies, we do hereby *strictly require you*, that upon the receipt hereof, you do inform yourself, in the best manner you can, what number of negroes have been yearly imported directly from Africa into [*that Government*] since June 24, 1698, to Dec. 25, 1707, and at what rate per head they have been sold, distinguishing the numbers that have been imported on account of the Royal African Company, and those which have been imported by separte traders; as likewise the rates at which such negroes have been sold by the Company, and by separte traders. Wee must recommend it to your care to be as exact and diligent as possibly you can, and with the first opportunity to transmit to us such accounts, that they may arrive here in due time; as also duplicates by the first conveyance. Wee must further recommend it to you to confer with some of the principal planters and inhabitants within your Government touching that matter, and to let us know how the negroe trade was carried on and [*that government*] supplied with negroes till 1698, when that trade was laid open by Act of Parliament; how it has been carryed on and negroes supplied since yt. time, and in what manner they think the said trade may best be mannaged for the benefit of the Plantations. We further desire you will inform us what number of ships, if any, are employed from [*that government*] to the coast of Africa in the negro trade, and how many separte traders are concerned therein. Lastly, whatever account you shall from time to time send us touching these matters of the negroe trade, we desire that the same may be distinct and not intermixt with other matters, and that for the time to come, you do transmit to us the like half-yearly accounts of negros, by whom imported and at what rates sold, the first of such subsequent accounts to begin from Christmas, 1707, to which time those now demanded are to be given.

P.S.—We expect the best account you can give us with that expedition which the shortness of the time requires.

Mem. This letter was writ to the Governors of Jamaica, Barbadoes, the Leeward Islands, Bermuda, New York, New Jersey, Maryland, the President of the Council of Virginia, the

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Governor of New Hampshire and the Massachusetts Bay, the Deputy Governor of Pennsylvania, the Lords Proprietors of Carolina, the Governors and Companys of Connecticut and Rhode Island. The following paragraph was added to those for the *first eight*, vizt., We the more expect a speedy compliance herewith, since hitherto due care has not been taken to send an account of what number of negroes [*that government*] is yearly supplied with, at what rates and by whom, as by your Instruction for that purpose you were directed and required to do. [C.O. 324, 9. pp. 165-170.]

April 15. **1435.** Order of Queen in Council. Referring following to Kensington. the Council of Trade and Plantations to examine and report upon. *Signed*, Chris. Musgrave. *Endorsed*, Recd. Read April 27, 1708. 1 p. *Enclosed*,

1435. i. Col. Richard Lloyd to the Queen. A writ of escheat is issued out against some 18 of petitioner's negroes in Jamaica, upon pretence that his title to his Plantation is defective, in order to enable the Governor to grant them, as he has already promised, to Capt. Whitgift Aylmer, the prosecutor. Two or three of these slaves were purchased by Capt. Richard Guy, petitioner's late wife's father, from whom the rest are descended, and passed by his will to petitioner. *Prays* that they may be confirmed to him. *Copy*. 2 pp. [C.O. 137, 8. Nos. 1, 1.i. ; and 138, 12. pp. 240-243.]

April 15. **1436.** Order of Queen in Council. Referring following Kensington. to the Council of Trade and Plantations to examine and report upon. *Signed and endorsed as preceding*. 1½ pp. *Enclosed*,

1436. i. Merchants and Planters of Jamaica to the Queen. Several writs of escheat have of late issued out of the Supream Court of Judicature in Jamaica, and, upon judgment given on pretence of defective titles, petitioners' lands and negroes, of which they have been quietly possessed for 20 or 30 years, have been granted to the prosecutors and informers. *Pray* for redress, etc. *Signed*, Bartho. Gracedieu, Richard Lloyd, John Heathcote, James Whitchurch, Miles Mayhew, Thomas Sherwood, D. Pughe, Thomas Wood, Samuel Jones, Wm. Coward, Benjn. Way, Charles Kent, V. Harris, John Freeman, N. Micklethwaite, Wm. Parrot, Cha. Long, Richard Richardson, Gervase Brough. *Copy*. 2 pp. [C.O. 137, 8. Nos. 2, 2.i. ; and 138, 12. pp. 253-258.]

April 19. **1437.** Mr. Burchet to Mr. Popple. Reply to April 15. Admiralty H.R.H. has noe objections, etc. *Printed*. N.Y. Docs., V. 40. Office. *Signed*, J. Burchett. *Endorsed*, Recd. Read April 20, 1708. ¼ p. [C.O. 5, 1049. No. 48 ; and 5, 1121. p. 123.]

April 19. **1438.** Council of Trade and Plantations to the Earl of Whitehall. Sunderland. Enclose following to be laid before H.M. in Council.

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1438. i. Council of Trade and Plantations to the Queen. Enclose following for H.M. signature.

1438. ii. Draughts of Commissions for the Rt. Hon. John Lord Lovelace to be Governor of New York and New Jersey with the same powers as were granted to the Lord Cornbury. *Countersigned*, Westminster, May 13, Wrighte. [*C.O.* 5, 994.A. pp. 329-348; and 5, 1121. pp. 121, 122, 147-167.]

April 20.
Whitehall.

1439. Council of Trade and Plantations to Governor Seymour. Enclose Order of Council (April 1st, *q.v.*), which you are to cause to be published and entred in the Council Books and punctually comply'd with. [*C.O.* 5, 727. pp. 44, 45.]

April 20.
Whitehall.

1440. W. Popple, jr., to Mr. Lowndes. The Council of Trade and Plantations thinking it for H.M. service that the two Acts past this session, (1) *for the encouragement of the trade to America*, (2) *for the ascertaining the rates of foreign coines in H.M. Plantations*, be sent to the Plantations as soon as may be, desire you to move my Lord High Treasurer for 50 copies of each, to be transmitted by the first ships. *Repeats* request of March 25 for Mr. Blathwayt's Patent, *etc.* [*C.O.* 324, 9. pp. 170, 171.]

April 20.
Kensington.

1441. The Queen to Governor Lord Cornbury. Whereas humble suit has been made unto us in your behalf that We would grant you leave to come to Great Britain, for some time upon your private affairs, Wee are graciously pleased to gratifye you in your request, and grant you full leave to continue here during Our pleasure, you taking effectuell care to leave things there in such a condition that Our service and the welfare of those Our provinces of New York and New Jersey may suffer no prejudice, and that the Government be administred as is appointed by your Commission and Instructions. [*C.O.* 5, 210. pp. 96, 97.]

April 20.
Whitehall.

1442. Mr. Secretary Boyle to the Council of Trade and Plantations. H.M. commands me to transmit the enclosed petition of the Evangelical Minister *etc.*, for your opinion what place in the West Indies is most proper to send them to, and how they may most conveniently be transported thither, and that you do cause enquiry to be made into their present circumstances, and what means of livelyhood they have, that due care may be taken for their necessary subsistance. *Signed*, H. Boyle. *Endorsed*, Recd. Read April 22, 1708. $1\frac{1}{2}$ pp. *Enclosed*,

1442. i. Joshua de Kocherthal to the Queen. Most Serene, and Most Potent Queen, Most Gracious Princess and Lady! Your Royall Majesty will most graciously be pleased to have laid before you, in all humility, in what manner a number of people that dwelt in High Germany upon the Rivers Rhine and Neckar, have, by the present warr, but particularly by the French ravages in those parts, 1707, been ruined and utterly spoyled, in such manner that, according to the judgement and

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opinion of man, they cannot possibly attain unto sufficient meanes of livelyhood during the hard times, which still continue in those parts ; in which their miserable condition, after many consultations had on that account, they have lastly, in the name of the Great God, taken the resolution, to committ themselves to your Majesty's most generous protection, and to seeke for shelter and assistance under your most glorious and in all the world renowned Government ; to which end (after a representation made to your Majesty's Resident at Frankfurt in this matter), they are already come hither, and now throw themselves at your Majesty's feet, *etc.*, praying your Majesty to assigne them, without prescription, a dwelling place for their maintenance in the English West Indies, as also most graciously to afford them some Royall assistance and allowance for their passage and buildings of that place *etc.* The whole Colony consisting of 41 persons, and in the name of all of them, their Evangelical Minister, *Signed*, Joshua de Kocherthal. 3 pp. [*C.O.* 323, 6. *Nos.* 55, 55.i ; and 324, 9. pp. 171-174.]

April 21. **1443.** W. Popple, jr., to Mr. Lowndes. Encloses draught
Whitehall. of Instructions for Governor Lord Lovelace, relating to the Acts of Trade and Navigation, to be adapted by the Commissioners of Customs to the Act of Union, and the Act for the encouragement of the Trade to America, and in order to their making such further amendments as may render the several parts of the said Instructions conformable in all particulars to the several Acts of Trade, as soon as possible. [*C.O.* 5, 1121. pp. 123, 124.]

April 22. **1444.** Order of Queen in Council. Referring Representation
Kensington. of June 17, 1707, relating to the Bahamas, to Mr. Solicitor General for his opinion thereon. *Signed*, John Povey. *Endorsed*, Recd. 19th, Read 21st July, 1708. $\frac{3}{4}$ p. [*C.O.* 5, 1264. *No.* 51 ; and 5, 1292. pp. 68, 69.]

April 22. **1445.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Boyle. Having discoursed *Mr. Kocherthal* (see April 20), wee shall make such further enquiry as is proper to be made, and give as great dispatch therein as the nature of it will allow. But in regard it will take up some time, *etc.*, we must take notice that we find their persons are reduced to such a necessity that they are not able to subsist themselves without H.M. immediate relief. [*C.O.* 324, 9. p. 175.]

April 22. **1446.** Order of Queen in Council. Approving drafts of
Kensington. Commissions for Governor Lord Lovelace. *Signed*, John Povey. *Endorsed*, Recd. 19th, Read 21st July, 1708. 1 p. [*C.O.* 5, 1049. *No.* 84 ; and 5, 1121. pp. 309, 310.]

April 22. **1447.** Order of Queen in Council. Referring following to
Kensington. the Council of Trade and Plantations to examine and report

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upon. *Signed*, Chris. Musgrave. *Endorsed*, Reed. Read April 28, 1708. 1 p. *Enclosed*,

1447. i. Petition of Mary Bowden to the Queen. Governor Parks, soon after his arrival, dispossessed petitioner of a plantation in the French part of St. Kitts, which she had planted and improved upon a grant from Col. Codrington. She was at the same time deprived of a ripe crop and mills worth 940*l.* for no other reason than that the said plantation lay convenient to him. Taking advantage of her necessity, he then paid her 397*l.* for cattle and negroes appraised at 794*l.* He detained her from sailing with the fleet to appeal to H.M., until obliged by the representations of the Council to grant her leave. He would not permit her to sell her 13 remaining negroes, valued at 500*l.*, to any but himself, for which he would only pay her 180*l.*, etc. *Prays* redress. *Copy*. 2½ pp. [*C.O.* 152, 7. Nos. 43, 43.i.; and 153, 10. pp. 142-145.]

April 24. **1448.** Lords Proprietors of Carolina to the Council of Trade and Plantations. *Acknowledge* letter of March 3 and Order in Council, Feb. 20. The Act to encourage the settlement of Carolina, neither came to our hands nor received any sanction from us; and in obedience to H.M. commands we have taken effectual care that H.M. pleasure relating to the said Act shall be forthwith punctually obeyed. *Signed*, Craven, Palatine; Beaufort, M. Ashley, J. Colleton. *Endorsed*, Reed. Read April 27, 1708. 1 p. [*C.O.* 5, 1264. No. 34; and 5, 1292. p. 40.]

April 26. **1449.** E. Jones to W. Popple. *Prays* for an order from the Board to Lt. Governor Bennett, that the rents of the lands belonging to his places, detained from him ever since he left Bermuda, may be paid to his Attorney there, etc. *Signed*, Ed. Jones. *Endorsed*, Reed. Read April 27, 1708. ½ p. [*C.O.* 37, 8. No. 48; and 38, 6. p. 334.]

April 26. **1450.** J. Burchett to Mr. Sec. Boyle. *Encloses following*. *Signed*, J. Burchett. 1 p.

1450. i. Sir Charles Hedges to Mr. Burchett. March 10, 1707(8). An appeal is admitted in the case of the young John [*Yonge Yan?*] and an inhibition and monition sent to the Admiralty Court in Jamaica. I send you two affidavits, whereby it seems very probable that this ship was upon a trade that ought not to have been interrupted, having a licence from the Dutch West India Co. and a commission of letter of marque from the States General. *Copy*. 1¼ pp. [*S.P. Naval*, 7. *Under date*.]

April 26. **1451.** List of German Protestant Refugees, referred to April 20. Lorentz Schwisser (Schweizer), wife and daughter. Henry Rennan, wife, two sisters (Liboscha) and two daughters. Andrew Volck, wife, son and two daughters. Michael Wigand, wife, a

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cousin, one daughter, two sons. Jacob Weber, wife and two daughters. John Jacob Plettel (elsewhere Pattzel), wife and three daughters. John Fischer and wife. Melchior Gulch [elsewhere Gilles. He signed himself Hilg, but was naturalised as Gulch—*Ed.*], wife, son and daughter. Isaac [de] Turk. Joshua de Kocherdal, wife, son and two daughters. *Total*, 41. *Endorsed*, Recd. Read April 26, 1708. $\frac{1}{2}$ p. [*C.O.* 323, 6. No. 56.]

April 26. **1452.** List of the Council of New York. *See* May 31. *Endorsed*, Recd., from the Ld. Lovelace, Read April 26, 1708. 1 p. [*C.O.* 5, 1049. No. 49; and 5, 1121. p. 124.]

April 27. **1453.** Duke of Bolton to the Council of Trade and Plantations. Recommends Mr. Betts, who is every way qualified, and has an estate in Jamaica, to be one of the Counsell there, etc. *Signed*, Bolton. *Endorsed*, Recd. Read April 28, 1708. *Holograph*. 1 p. [*C.O.* 137, 8. No. 3; and 138, 12. p. 259.]

April 27. **1454.** Council of Trade and Plantations to the Earl of Sunderland. Enclose following to be laid before H.M. in Council.
1454. i. Council of Trade and Plantations to the Queen. Report upon the petition of James Whitechurch. *See* Jan 26. We concur with the opinion of the Solicitor General (April 2). Governor Handasyd has not complied with his Instructions relating to Escheats etc. Set out, *Acts of Privy Council*, II. pp. 560–563, q.v. [*C.O.* 138, 12. pp. 244–252.]

April 27. **1455.** The Queen to Sir James Montague, Solicitor General.
Kensington. You are to prepare a Bill for our Royal Signature for Lord Lovelace's Commission etc. *Countersigned*, Sunderland. [*C.O.* 5, 210. p. 94.]

April 28. **1456.** Council of Trade and Plantations to Mr. Secretary
Whitehall. Boyle. Enclose following to be laid before H.M.
1456. i. Council of Trade and Plantations to the Queen. Report upon the petition of Joshua de Kocherthal (April 20). *These 41 poor Lutherans* are in the utmost want, not having at present anything (but what they get by charity) to subsist themselves; they have been reduced to this miserable condition by the ravages committed by the French in the Lower Palatinate, where they lost all they had; they have produced to us severall testimonials from the Bayliffs or principal Magistrates in the villages where they dwelt, which, by the assistance of the Ministers of the Lutheran Church here, we have examined, and find that they give a good character of the said Minister and the others with him. Whereupon we would have offered that these people might be settled in Jamaica or Antego. there being large tracts of land not taken up or inhabited, and great want of white people. But in regard that the climate

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of those Islands is so much hotter than that part of Germany from whence they come, it is to be feared it may not be agreeable to their constitutions, and therefore we humbly propose that they be sent to settle upon Hudson's River in the province of New York, where they may be usefull to this Kingdome, particularly in the production of Naval Stores, and as a frontier against the French and their Indians. And this your Majesty may be enabled to do by granting them the usual number of acres of land, if your Majesty shall please to confirm the Act past at New York March 2, 1699, *for vacating, breaking and annulling several extravagant grants of land, etc.*, as we humbly offered to your Majesty July 29, 1707, without wch. there is no land but what is engrossed by the patentees of the foresaid extravagant grants. And in case your Majesty shall approve of their going to New York, we humbly represent that the cheapest way of transporting them will be in the man-of-war and transport-ship that shall be ordered to go with the Lord Lovelace, for we do not find they can be carryed thither by any other way under 8*l.* or 10*l.* per head for the men and women, and proportionably for the children. And we further humbly offer that they be supplied here with the necessary tools for agriculture, to be sent with them, to enable them to begin and make settlements. As these people are in the utmost necessity, they will not be able to subsist there, till they can reap the fruit of their labour (which will not be till after one year's time), unless assisted by your Majesty's bounty, or that the province of New York contribute towards their maintenance during that time. But, as we are informed that Province is at present very poor and much in debt, there will be no reason to expect any great supply from thence. We further offer that before their departure they may be made denizens of this Kingdom, for their greater encouragement in the enjoyment of the priviledges accruing by such letters of denization. [C.O. 324, 9. pp. 176-180.]

April 29. **1457.** Council of Trade and Plantations to the Earl of
Whitehall. Sunderland. Enclose following to be laid before H.M. in Council.

1457. i. Council of Trade and Plantations to the Queen.
Recommend John Peck, Esq., an inhabitant of Jamaica, a person of good ability, well affected to your Majesty's Government, and having a considerable estate there, to be appointed a Member of the Council there in the room of Charles Sadler, decd. [C.O. 138, 12. pp. 260, 261.]

April 30. **1458.** Council of Trade and Plantations to Lt. Governor
Whitehall. Bennett. Complaint having been made to us by Mr. Jones (*as*

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April 26), and it being reasonable (as the late Commissioners of this Board writ you, Aug. 30. 1705) that his Deputies enjoy one moiety of the fees and perquisites of his places during his absence, so we think it just that the other moiety be paid to him or his Attorney, till H.M. pleasure be known upon the complaints against him; as also that the tenants do pay to Mr. Jones' Attorney the rents of his lands, and we think you would do well to advise them to it accordingly. [C.O. 38, 6. p. 335.]

April 30. **1459.** Council of Trade and Plantations to the Earl of
Whitehall. Sunderland. *Answer to March 30.* We have no objection as to the character of the said Salter, but he being very young and not having been long resident on that Island, we cannot but think it more proper that Col. Wheeler and John Hallet, Esqrs., who have been formerly recommended to us as persons well qualified to serve H.M. in that station, being of longer standing, of great abilities, of more experience and having very considerable estates on the said Island, ought to be put into the said Council before the said Salter upon the next vacancies which shall happen therein. Having no other objection to the said Salter we do not at present see any reason why he may not succeed them upon the first vacancy that shall fall after their being appointed Members in the said Council as aforesaid. [C.O. 29, 11. pp. 228, 229.]

April 30. **1460.** A. Maas to the Directors of the Dutch West India
May 10. Company. *Signed, Ab. Maas. Endorsed, Read Sept. 17 (n.s.),*
Fort 1708. *Dutch. 2 pp.* [C.O. 116, 20. No. 13.]
Kijkoveral,
Essequibo.

April 30. **1461.** Council of Trade and Plantations to Governor Parke.
Whitehall. Enclose copy of Mrs. Bowden's petition (April 22). You are to return us your answer by the first opportunity, with such depositions or other proofs in your behalf, as you shall think fit. And you are to permit the petitioner to be heard before H.M. Council of St. Christophers, who are to make a return to us in words of their proceedings signed by the members of the said Council, or the major part of them, and in order thereunto, you are to give free liberty to the Petitioner or other persons concerned to make affidavits before any Judge or Magistrate, of what they know in those matters, and such Judge or Magistrate is to summon before him such persons as the petitioner shall name, which you are accordingly to signify to such Judge or Magistrate. [C.O. 153, 10. pp. 146, 147.]

April 30. **1462.** Council of Trade and Plantations to the Earl of
Whitehall. Sunderland. Enclose following to be laid before H.M. in Council.
1462. i. Council of Trade and Plantations to the Queen.
Propose appointment of Wm. Thomas and Richd. Oliver to the Council of Antego. [C.O. 153, 10. p. 147.]

May 3. **1463.** Mr. Secretary Boyle to the Council of Trade and
Whitehall. Plantations. Encloses following. You are to consider of the

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most proper methods (in order to be laid before H.M.) how H.M. may best comply with the desire of her Commons, *etc.* *Signed*, H. Boyle. *Endorsed*, Recd. 5th, Read 10th May, 1708. 1 p. *Enclosed*,

1463. i. Address of the House of Commons to H.M. March 3, 1708. *Pray* that the Laws relating to the Fishery and Trade of Newfoundland may be effectually put in execution against Commanders of H.M. ships or forts there who receive any sums from H.M. subjects in their voyages and fishery there, and that they be forbidden to use any fishing boats for their own private use there, *etc.* *Copy*. 1 p. [*C.O.* 194, 4. *Nos.* 66, 66.i. ; and 195, 5. *pp.* 29, 30.]

May 4.
Whitehall.

1464. W. Popple, jr., to Mr. Solicitor General. The Council of Trade and Plantations having under consideration a Memorial from the Lord Baltimore [Feb. 20] containing his objections against two Acts passed in Maryland, 1707, desire your opinion thereupon in point of law. [*C.O.* 5, 727. *pp.* 46, 47.]

May 8.

1465. S. Duport to the Council of Trade and Plantations. *Encloses following*. Wee thought fitt to putt Capt. Pogson att ye head of all, his misfortune of killing a man being such as may befall ye best of men. He is one of the worthiest of that Island, *etc.* *Signed*, Ste. Duport. 1 p. *Enclosed*,

1465. i. Recommends following for the Council of St. Kitts :—
Capt. Jo. Pogson, Jo. Peteres, Capt. Jo. Bourryan, Capt. Ed. Gillard, Charles Rowland, John Willet, John King, Capt. Jos. Estridge. *Signed*, Ste. Duport. *Endorsed*, Recd. Read June 29, 1708. 1 p. [*C.O.* 152, 7. *Nos.* 48, 49.]

[May 10.]

1466. Copies of H.M. Instructions to Major Lloyd and the Commodore at Newfoundland, April 11, 1706. *Endorsed*, Recd. Read May 10, 1708. 4½ *pp.* [*C.O.* 194, 4. *Nos.* 67, 68.]

May 10.
Whitehall.

1467. W. Popple, jr., to James Campbell. The Board desire you to lay before them your intended charges against Major Loyd with all possible dispatch, *etc.* (*cf.* March 24, and May 3, 1708). [*C.O.* 195, 5. *p.* 31.]

May 10.
Whitehall.

1468. Same to Mr. Solicitor General. Upon considering the Act to encourage the trade to Newfoundland, the Board desire your opinion as soon as conveniently may be, whether, when a thing is required to be done, or prohibited from being done by Act of Parliament, and no penalty expressed in the said Act, the breach of that Act is not punishable as a misdemeanour at Common Law. [*C.O.* 195, 5. *p.* 32.]

[May 10.]

1469. Copy of Mr. William Blathwayt's Patent from K. Charles II as Auditor General of the Plantations. *Endorsed*, Recd. 10th, Read 12th May, 1708. 11 *pp.* [*C.O.* 323, 6. *No.* 57.]

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[May 10.]

1470. John Rayner to the Queen. Prays to be appointed Solicitor General of New York in place of Mr. Broughton; *on grounds set out*, Acts of Privy Council, II. pp. 522, 523. *Overleaf*,

1470. i. H.M. refers this petition to the Council of Trade and Plantations for their report. Whitehall, May 10. 1708. *Signed*, Sunderland. *Endorsed*, Recd. Read May 12, 1708. 1½ pp. [C.O. 5, 1049. Nos. 49 (A), 49.A (1); and 5, 1121. pp. 125, 126.]

May 10.
Kensington.

1471. Order of Queen in Council. The Lord High Treasurer is to provide transport to New York, necessary tools for agriculture, and one year's subsistence for the poor Lutherans, *as proposed* April 28. *Signed*, Edward Southwell. *Subscribed*, Aug. 31. A letter was writ for issuing 655*l.* 4*s.* to the Treasurer of the transports for providing tools, clothing, *etc.* *Endorsed*, Recd. Read May 21, 1708. 1 p. [C.O. 5, 1049. No. 55; and 5, 1121. p. 137.]

May 10.

1472. Order of Queen in Council. The poor Lutherans (April 28) are to be made free Denizens of this Kingdom, without charge. *Signed and endorsed as preceding*. 1 p. [C.O. 5, 1049. No. 56; and 5, 1121. p. 138.]

May 11.
Whitehall,
Treasury
Chambers.

1473. Wm. Lowndes to Wm. Popple. Encloses following petition which the Lord High Treasurer conceives should more properly have been referred to the Council of Trade and Plantations. (See *Acts of Privy Council*, II. No. 1050.) *Signed*, Wm. Lowndes. *Endorsed*, Recd. Read May 12, 1708. 1 p. *Enclosed*,

1473. i. Capt. Richard Long to the Queen. In the reign of his late Majesty, Petitioner commanded the *Rupert* prize, and was sent upon discoveries on the coasts of America not possessed by Europeans, he proceeded to the Gulph of Darien, and there laid the first foundation of commerce with those Indians, from whom he gained intelligence of the gold mines of Cany, possess'd by the Spaniards, and lying about three days' march from the waterside, but being informed that the Spanish Barlavento Fleet were upon the coast, he was forced to come away without attempting any further discovery for fear of being intercepted by them. At his return to England, the war being then declared against Spain, he propos'd to the Governmt. to fit out a ship with only 120 men, which with the Indians he cou'd have raised, might have been sufficient to have surprized those mines, but not succeeding therein, he applied himself to Admiral Benbow, who liking the said design, was willing to take your petitioner with him for his pilot, and did accordingly obtain for him the command of the *Lewis* prize hulk, for Jamaica; but the said Admiral's misfortune prevented his putting the said design in execution; and petitioner has been ever since in your Majesty's

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service in the West Indies, till his late return. Since the present war, the privateers of Jamaica did make an attempt upon the said mines of Cany, and brought away about 60*l.* of gold, but had not the expected success through their ignorance of the right methods to manage it, which petitioner cou'd clearly demonstrate. Petitioner at his first setting out in the *Rupert* prize proposed to have 200*l.* for his expenses and necessaries to treat the Indians, but could gett no more than 150*l.* in malt tickets, which yielded but 105*l.*, and the expences and charges with the Indians amounted to 185*l.* Prays to be paid the balance of 80*l.*, etc. *Copy.* 2 pp. [C.O. 323, 6. Nos. 58, 58.i.; and 324, 9. pp. 181-184.]

May 12. **1474.** Ed. Jones to the Council of Trade and Plantations. 500*l.* is not too much to be paid me for resigning my places to Mr. Noden's kinsman, for that sum was paid for them by Mr. Fifield to Mr. Tucker, when they were not near their present value, etc. etc. *Signed,* Ed. Jones. *Endorsed,* Recl. Read May 12, 1708. 1½ pp. [C.O. 37, 8. No. 49.]

May 12. **1475.** Nominations for the Council of New Jersey. *Printed,* New Jersey Archives, 1st Ser., iii. 299. *Endorsed,* Recl., from Ld. Lovelace and Proprietors, Read May 12, 1708. ¾ p. [C.O. 5, 970. No. 58.]

May 14. **1476.** Certificate in favour of John Rayner (May 10). *Signed,* by 8 of the Judges of Westminster Hall. *Endorsed,* Recl. Read May 14, 1708. ¾ p. [C.O. 5, 1049. No. 50; and 5, 1121. p. 126.]

May 14. **1477.** Circular letter from the Council of Trade and Plantations to the Governors of the Plantations. Two Acts having been passed in the last Session of Parliament, vizt., an Act for ascertaining the rates of foreign coines in H.M. Plantations in America, and for the encouragement of the trade to America, we send you here enclosed two of each of the said Acts, and are thereupon to require you to cause the same to be publish'd with the usual solemnity through [your Government]; and you are further to take particular care that the said Acts be duly complied with. *Mem.* After the word "thereupon," these words, "by H.M. command" were added for Carolina, Pensilvania, Connecticut, and Rhode Island. [C.O. 324, 9. pp. 184, 185.]

May 17. **1478.** J. Bassing to the Directors of the Dutch West India Company. *Signed,* J. Bassing. *Endorsed,* Read Sept. 17, 1708. *Addressed. Sealed. Dutch.* 1½ pp. *Enclosed,* Rio Essequibo, Fort Kijkoveral. 1478. i. Accounts, etc. 1698 ff. *Dutch.* 10 pp. [C.O. 116, 20. Nos. 14, 14.i.]

[May 17.] **1479.** Mr. Solicitor General to Wm. Popple. Reply to May 10. I take it to be pretty clear, that tho' there be no

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particular penalty mentioned in an Act of Parliament, requiring or prohibiting the doing of anything, yet if any person shall offend agst. such Act, he may be fined at the discretion of the Court upon being found guilty on an indictment or information which may be exhibited agst. him for acting *contra formam statuti*. Signed, Ja. Mountague. Endorsed, Reed. Read May 17, 1708. 1 p. [C.O. 194, 4. No. 69; and 195, 5. p. 33.]

May 17. **1480.** Deposition of Capt. Long in support of his petition, May 11. Cf. June 2. Signed, Richd. Long. Endorsed, Reed. Read June 1st, 1708. 1½ pp. [C.O. 323, 6. No. 60.]

May 18. **1481.** The Earl of Sunderland to Governor Handasyd. Whitehall. Recommends to his protection Thomas Betts of the Inner Temple, etc. [See April 27.] [C.O. 5, 210. p. 93.]

May 18. **1482.** Governor Crowe to the Council of Trade and Plantations. Barbados. Now lyes before me your Lordships' of Jan. 29. When any Flaggs of Truce come from the enemy, I shall observe your Lordps.' directions therein; and readily obey H.M. commands in reinstating Messrs. Sharpe, Cox, Mills and Walker to their places, next sitting of Councill. But I wish this alteration may not disturbe the quiet and repose that, with patience, industry, and management I had procur'd amongst the inhabitants, who indeed were (even beyond my hopes) come to a reconciling temper. By the last printed law, I meant the Act concerning the Governor's holding the Generall Sessions, which is the last in Mr. Rawlin's book of the Laws of Barbados, but that is now repeal'd by a new one, which, amongst others I now send your Lordships, for H.M. approbation. If your Lordships had given yourselves the trouble to have perused the Minutes of the Councill at a Court of Grivance, you would have seen I had no shaire in suspending the execution against Col. Holder, for it was done by the majority of the Councillors' votes in that Court, which I am bound by my oath to pronounce sentence upon; against next pacquett I shall according to your Lordships' directions gett a list of all the Pattent Officers, and the value of their places. I observe H.M. has been pleased to appoint Coll. Freere and Major Pilgrim of her Councill here; the first has been dead some months, as alsoe Col. Wheeler, and in that vacancy (there being then but six Councillors in the Island) I placed Judge Warren; but he in obedience to H.M. Order, must be removed with the other three. I humbly recommend the said Gentlemen to your Lordps., as the best qualified to supply the vacanceys that may fall in H.M. Councill; by Mr. Warren's remove, I placed Major Beckles in his room as Judge of the Hall Court. All the Guards are dismiss't from the severall Forts, and the Mattresses placed therein, as the Law directs. I hope this will be a great means to keep the poorer sort amongst us. Soe soon as the Comittee of publick Accts. have settled them, coppys thereof shall be sent your Lordps., as alsoe those of the Revenue. The proceedings of Capt. Fane, Commander of H.M.S. *Lowestaffe*, have been soe irregulare, I

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beg your Lordships wou'd be pleased to lay the same before H.R.H. that the owners of the vessell may have redress. There are two of H.M. ships that attend this Island now cruising in the Latt : the *Greenwich* in her last took a French prize of 120 tuns, loaden with sugar, at Guardaloupe. In the new Commission of the Peace your Lordships will find there is none but men of the best estates. *Signed, M. Crowe. Endorsed, Recd. 2nd, Read 4th Aug., 1708. 3 pp. Enclosed,*

1482. i. List of Justices in the several precincts of Barbados, 114 names. *Endorsed, Recd. Aug. 2, 1708. 2 pp.*

1482. ii. Transactions of the Committee of Council of Barbados with the Assembly concerning (a) the Bill for *laying an imposition on wines etc. imported*, March 2-18, 1708. The Comittee of the Council protest against a clause being tacked on to this Bill, whereby the Assembly assume to themselves a separate power of appointing and employing Agents in England, without the concurrence of H.E. and the Council, as being a great indignity to H.M. Government, foreign to the title and nature of the Bill, and contrary to H.M. Instructions. The Assembly insist, but extend the title of the Bill, and alter the clause regarding Agents to the appointment of 3 Agents, one to be nominated by the Governor and Council and two by the Assembly, the majority of them to transact the affairs of the Island. The Council (March 18) reject the amended bill on the same grounds as before. (b) Concerning the Bill *appointing a Committee for settling the public accounts*, the Council give their reasons for adhering to their amendments in reply to the Assembly's resolutions. April 13, 1708. *The whole endorsed, Recd. Aug. 2, 1708. 8 pp.*

1482. iii. Deposition of T. Withers, merchant, part owner of the sloop *Sarah*, Capt. Edward Flower, master, from Curacoa. On March 23, Capt. George Fane, H.M.S. *Lowestoft*, seized her upon a charge of having contraband goods aboard. He delayed examining her, whilst he himself passed the time with Col. Cleland, who suggested to deponent that, to avoid further trouble, he should make Capt. Fane a small present, otherwise Capt. Fane might make the sloop sail with him. Deponent made an offer to Capt. Fane, who said that he knew better than to let the sloop come to a trial here, that he could not live on wages of 8s. a day, that he had been a great sufferer by the merchants and must make it up by them againe as he had already done in some measure to the vallue of about 6 or 700*l.* He demanded 200*l.*, which deponent declined. Col. Cleland then suggested that Capt. Fane should be satisfied with 100*l.* Capt. Fane replied that he would not abate anything of 200*l.*, but would not allow deponent to depart. April 14, 1708. *Signed, Thos. Withers. Endorsed, Recd. 2nd, Read 4th Aug., 1708. 2 pp.*

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1482. iv. Deposition of John Jones, Gent. On March 26 he did see a handkirecher with money handed from the *Sarah* into the *Lowestoft's* boat. April 22, 1708. *Signed*, John Jones. $\frac{1}{2}$ p.
1482. v. Deposition of James Hammell, mariner. On March 26 he heard Capt. Fane, on board the *Lastaff*, declare he would take from off Barbados all the white or black men that would leave it, in spight of the Government. William Robertson told deponent that he had sent two negroes on board the *Lastaffe*, the tytle of one of the negroes being in dispute. On board the *Sarah* Capt. Flower told him he had paid Wm. Davis, Lt. of the *Lastaffe*, 100*l.* for ransome of the sloop, rather then be carryed to New Yorke, as Capt. Faine said he would, *etc. etc.* *Signed*, James Hammell. 1 p.
1482. vi. Deposition of Elizabeth Flower. Deponent heard Capt. George Faine say that he carryed off this Island Mr. Roundoe, and that he would carry off 50 more whites or blacks in spight of the Governour and all ye other little proud fellowes of Barbados, and that he did not vallue the Queen's service or Commission one farthing, haveing a sufficient liveing of his own in England, *etc.* Deponent had asked her husband to bring her back some linnen for their wearing, *etc.* *Signed*, Eliz. E. Flower (mark). 1 p.
1482. vii. Deposition of Edward Flower, *as above*. On March 23 Lt. Davis made a severe search of the *Sarah*, but only found a dozen goat-skins and $4\frac{1}{2}$ pieces of holland, which were for deponent's own use, 4 barrells of powder, 6 boxes of English soap which was brought to Curacoa by a Bristol man, and some cocoe matts. He paid Lt. Davis 100*l.* and one of the half pieces of holland and $\frac{1}{2}$ doz. skins for Capt. Fane, in order to avoid being carried to New York *etc.* April 15, 1708. *Signed*, Edward Flower. 3 pp.
1482. viii. Account of Stores of War in the Magazine in Barbados. Nov. 17, 1707—May 18, 1708. *Signed*, Wm. Leslie. *Endorsed*, Reed. Aug. 2, 1708. 2 large pp.
1482. ix. Minutes of Council of Barbados, April 26, 1708, appointing members to committees in place of Cols. Cleland and Holder, *etc.* *Same endorsement*. 2 pp.
1482. x. Minutes of Assembly of Barbados, April 13, 1708. In reply to H.E.'s recommendation for the raising of a levy to defray the expenses of the Government, the House resolved that they could not justly levy any tax until several thousand pounds due to the public from particular persons had been called in, the public accounts made up, and a true state of the debts of the country laid before the House. They addressed the Governor desiring him, as Chancellor, to put an end to the practice of the Register of the High Court of Chancery in taking

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10 p.c. by the name of deposit money from all persons takeing out injunctions after judgment obtained at Common Law, this being a grievous extortion and illegal oppression of H.M. subjects, supported for corrupt ends, etc. *Same endorsement.* 2½ pp. [C.O. 28, 11. Nos. 11, 11.i.-x. ; and (without enclosures) 29, 11. pp. 281-287.]

May 18.
Barbados.

1483. Governor Crowe to the Earl of Sunderland. *Refers to preceding.* H.M. Order to reinstate the four Councillors is what I did not expect, and I fear will create new disturbances in this unhappy place, which I had soe reconcilled, that there was the greatest hopes of a perfect union amongst them, a few necessitous persons only excepted, who never can be pleased with a just Governour or Government. I thought I had given such demonstration of zeal for the Queen's service that nothing would have been determined against me without a full hearing, whereby I might have had an oppertunity of justifieing my proceedings ; for if everything be taken as the Lords of Trade (who I perceive, altho' I cannot apprehend the reason, are none of my ffrriends) represent, H.M. authority here will be little regarded. It had been much better that never any orders had been given about these gentlemen. I shall continue my constant endeavours to make all things as easy as possible, for every one is allike to me, but I must break an Instruction in placing Col. Mills, who is now in the goaler's custody for debt, at the Councill board. Indeed the late fatall paper Act has reduced many men that were in great possessions to a low ebb, especially Judge Burke. I hope your Lordship will not lett any false insinuations prevaile against, *Signed,* M. Crowe. 2 pp. *Enclosed,*

1483. i.-iv. Duplicates of preceding letter and enclosures ii. (in fuller form) ix., x. [C.O. 28, 38. Nos. 70, 70.i.-v.]

May 19.

1484. Objections of several Proprietors of New Jersey to some of the Councillors there, with names of those proposed by them. Set out, *New Jersey Archives*, 1st Ser., iii. 300, q.v. *Endorsed,* Recd. Read May 19, 1708. 2½ pp. [C.O. 5, 970. No. 59.]

May 19.

1485. Deposition of Mr. Ingoldesby relating to Mr. Revell and Mr. Leeds, Councillors of New Jersey, and the arbitrary proceedings of Governor Lord Cornbury. July 16, 1706. *Signed,* Geor. Ingoldesby. *Endorsed,* Recd. Read May 19, 1708. 3 pp. [C.O. 5, 970. No. 60.]

May 19.

1486. Deposition of Mr. Hamilton, to the same effect as *preceding.* *Signed,* John Hamilton. *Endorsed,* Recd. Read May 19, 1708. 2½ pp. [C.O. 5, 970. No. 61.]

May 19.
Jamaica.

1487. Governor Handasyd to the Council of Trade and Plantations. I have little of moment since my last. Mr. Wager

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is now at sea, with some part of his squadron, expecting the coming out of the Galleons, of which nobody knows the time of sailing, they lie at Porto Bell with their topsail sheets loose, but whether they will sail this year or not is very uncertain, though they make severall motions, as if they would sail immediatly. We have 20 odd sail of trading sloops at Porto Bell, under convoy of a 60 gunn ship, here are daily some of them returning, who give a very indifferent account of the trade, they can hardly sell the goods for what they cost them, but however it is supposed to be for the advantage of the trade to keep it afoot, for fear the French or any else should undermine us in it. Our privateers have had very good success, one of them has taken two French ships, one laden with wine and brandy, the other with salt, which is not yet come into port, and Capt. Coleby, Commander of a privateer sloop of 100 and odd men, mett with 14 sail of brigantines and sloops (laden with valuable goods going from the galleons at Porto Bell to Panama) under convoy of the Duke of Anjou's guard sloop of betwixt 70 and 80 men, he bravely fought the guard sloop and two others that stood by her two hours, and took her and six more, five of them he brought in here, the other two after he had taken the goods out of them he gave to the French and Spaniards to carry them ashore, they being too many for him to bring in: he owns himself that the Spaniards offered him for the ransome of the sloops 180,000 peices of eight, what the value of them will prove here I am wholly a stranger to. I shall not give your Lops. any further trouble, expecting the packett boat every minute, by which I hope I shall be able to give you a fuller account of everything. *Signed*, Tho. Handasyd. *Endorsed*, Recd. 19th, Read 21st July, 1708. 2 pp. [C.O. 137, 8. No. 12; and 138, 12. pp. 297, 298.]

May 19.
Whitehall.

1488. Council of Trade and Plantations to Mr. Secretary Boyle. Enclose following to be laid before H.M. in Council.

1488. i. Council of Trade and Plantations to the Queen. Report upon the Fishery of Newfoundland. *See* May 3. Set out, *Acts of Privy Council*, II. pp. 553-559, q.v. No complaints of the kind against commanders of H.M. ships have been made at this Board; if guilty, they ought to be punished by the loss of their employments etc. We are examining into the allegations against Major Lloyd of trading contrary to his Instructions, April 11, 1706, and of extortion. The most proper method to prevent arbitrary proceedings of Commanders of the garrison at Newfoundland is by giving the Commodore of the Convoy power to command at land, as was done till about 3 years ago, there being no Governor to keep officers and soldiers under due discipline. There are several abuses practised by inhabitants and masters of ships in the Fishery trade (*enumerated*), owing to there being no penalty or reward for prosecution in the Act to encourage the trade to Newfoundland. Propose that the Commodore be given a Commission to command at

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land and punish such abuses as the same have formerly been or lawfully may be according to usage there, and that, in all cases not redressed there, he transmit the names of offenders home for their punishment here. (Cf. May 10.) Collectors at the out-ports to transmit to the board full particulars as to the crews of the fishing ships, etc. H.M. Royal Proclamation to be issued for the putting in execution of the Act etc. Illegall trade with Portugal, for some time carried on, ought to be prevented. This can only be done by a Customs Officer residing there, whose service would probably answer his charge. [C.O. 195, 5. pp. 34-43.]

May 19. **1489.** W. Popple, jr., to the Earl of Sunderland. Encloses
Whitehall. copy of preceding Representation. *Signed*, Wm. Popple, jr.
1 p. *Enclosed*,

1489. i. Duplicate of No. 1488.i. 11½ pp. [C.O. 194, 22.
Nos. 71, 71.i.]

May 19. **1490.** Council of Trade and Plantations to the Earl of
Whitehall. Sunderland. Enclose following to be laid before H.M. in Council.
It will be necessary that H.M. pleasure shou'd be declared thereon
before the departure of the Lord Lovelace, etc. *Autograph*
signatures. 1 p. *Annexed*,

1490. i. Council of Trade and Plantations to the Queen.
Recommend for H.M. approbation 20 Acts of New York
passed 1691-1705. The Act for *punishing pirates*, 1692,
rendered unnecessary by the Act of Parliament for the
more effectual suppression of piracy passed here since,
is recommended for repeal. [C.O. 5, 1121. pp. 129-
135; and (without enclosure) 5, 1084. No. 34.]

May 20. **1491.** Order of Queen in Council. Confirming 20 Acts
Kensington. of New York as preceding. *Signed*, Edward Southwell.
Endorsed, Recd. Read May 28, 1708. 3 pp. [C.O. 5, 1049.
No. 58; and 5, 1121. pp. 139-143.]

May 20. **1492.** Order of Queen in Council. Repealing Act of New
Kensington. York for *punishing pirates*, as *supra*. *Signed and endorsed as*
preceding. 1½ pp. [C.O. 5, 1049. No. 59; and 5, 1121. pp.
143, 144.]

May 20. **1493.** Mr. Lowndes to Mr. Popple. My Lord Treasurer
Treasury desires the Council of Trade and Plantations to make an estimate
Chambers. of the money required for the transportation etc. of the poor
Lutherans (April 28, May 10), and to propose some person whom
they thinke proper to receive the same. *Signed*, Wm. Lowndes.
Endorsed, Recd. Read May 21, 1708. *Addressed*. 1 p. [C.O.
5, 1049. No. 54; and 5, 1121. pp. 135, 136.]

May 20. **1494.** Order of Queen in Council. Approving Representation
Kensington. of March 19 relating to Newfoundland, and giving directions

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accordingly. The Council of Trade and Plantations are to continue to examin the proceedings of Major Loyd, and make report thereof, and meantime to prepare a letter to be sent from H.M. to Major Loyd signifying her disallowance of his proceedings mentioned, and strictly requiring him to yield all due obedience to H.M. Commission to the Commodore for the time being. *Signed*, Edward Southwell. *Endorsed*, Recd. Read May 28, 1708. 10 pp. [*C.O.* 194, 4. No. 70 ; and 195, 5. pp. 44-46.]

May 20. **1495.** Order of Queen in Council. Referring following to Kensington. the Council of Trade and Plantations for their report. *Signed*, Edward Southwell. *Endorsed*, Recd. Read June 1st, 1708. $\frac{1}{4}$ p. *Enclosed*,

1495. i. William Penn to the Queen. Petitioner finding it convenient to change hands and therefore proposes to commission Capt. Charles Gookin, late of Lt. General Earle's Regiment, his Lieut. Govenour. Petitioner humbly prays the said Gookin may be approved of by the Queen for that trust in order to his voyage thither by the present oppertunity that offers. *Signed*, Wm. Penn. *Copy.* 1 p. [*C.O.* 5, 1264. Nos. 35, 35.i ; and 5, 1292. pp. 42, 43.]

May 21. **1496.** Commissioners of Customs to the Lord High Treasurer. Customehouse. *Enclose* list of Acts recently passed relating to Trade and Navigation, to which Governors' Instructions should be made conformable. (*See* No. 1443.) Call attention to the fact that the Governors' oath required by 7 and 8 Wm. III does not oblige them to observe Acts passed since. Set out, *N.Y. Docs.*, v. p. 41, q.v. 5 signatures. *Endorsed*, Recd. Read June 1, 1708. 1 p. *Enclosed*,

1496. i. List of Acts referred to in preceding. [This is the paper said to be missing, *N.Y. Docs.*, v. 41.] 1 p.

1496. ii. Duplicate of No. 1443. $1\frac{1}{2}$ pp. [*C.O.* 5, 1049. Nos. 61, 62, 62.i ; and (*without enclosure* ii.) 5, 1121. pp. 219-222.]

May 21. **1497.** W. Popple, jr., to Mr. Lodwick and Mr. Perry. The Whitehall. Board desire to speak with you as to the necessaries to be provided for the German Lutherans for New York etc. [*C.O.* 5, 1121. p. 136.]

May 26. **1498.** Deposition of Col. Lloyd in support of his petition, April 15. Governor Handasyd said that he was obliged by his Instructions to grant all escheats to the first informer, who is Capt. Aylmer etc. *Signed*, Richd. Lloyd. *Endorsed*, Recd. Read June 9, 1708. $\frac{1}{4}$ p. [*C.O.* 137, 8. No. 4.]

May 26. **1499.** Deposition of Mrs. Freeman in support of Col. Rich. Lloyd, April 15. *Signed*, Kath. Freeman. *Endorsed*, Recd. Read June 9, 1708. $\frac{1}{4}$ p. [*C.O.* 137, 8. No. 5.]

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May 26.
Kensington.

1500. Order of Queen in Council. In accordance with representation, April 27, upon petition of James Whitechurch, the inquisition, proceedings and grant of regress referred to are annulled. *Signed*, John Povey. *Endorsed*, Recd. Read June 10, 1708. 1 p. [C.O. 137, 8. No. 7; and 138, 12. pp. 263, 264.]

May 26.
London.

1501. Mr. Dummer to Mr. Popple. Gives sailings of the *Frankland*, out and home 110 days. Over and above what the Captain wrote from Ireland of his discovering 11 ships of warr in lat. 35, which he supposes to be French commanded by Ducass; I am inform'd from Jamaica, March 30 last, that the galleons will stay at Portabell 4 months in expectation of a convoy; the Flota from Vera Cruz are arriv'd at ye Havanna, and almost ready to sail for Europe, under convoy of M. Ducass. Which seems to agree with the Captain's apprehension that he came thwart them in lat. 35. Comodore Wager was on the coast with 3 good ships, the rest abroad in several places, so that we hope for many prizes and the amendment of trade; our traders are all on the coast with 2 men of war, hopes in a month their return with money for all their goods. *Signed*, E. Dummer. *Endorsed*, Recd. 26th, Read 27th May, 1708. 1 p. [C.O. 323, 6. No. 59.]

May 26.
[26. 3^m.
(May) 1708.]

1502. Wm. Penn to Wm. Popple. Esteemed Friend, considering the reason of ye settlemt. of West Jersey, especially, and the reall interest of the same with respect to the encouragemt. and satisfaction of the most valluable inhabitants in yt. place, I am of opinion leaveing thos persons, Tho. Revell and Daniel Leeds, out of the Councill, will tend most to publick quiet and satisfaction of ye people of those parts, wch. I take to be of moment at this time on divers acct. One Keeble yt. is to be wth. ye Lords, knows them both, pray ask him, and favour his proposall of a noble staple, potash, to encrease our returns (our present defect), and beleive that I am, Thy assured and affect. Friend, *Signed*, Wm. Penn. *Endorsed*, Recd. Read May 27, 1708. *Addressed*. *Sealed*. *Holograph*. 1 p. [C.O. 5, 970. No. 62.]

[May 27.]

1503. John Keble, of West Jersey, Merchant, to the Council of Trade and Plantations. Petitioner about 8 years ago went over to Pensilvania with considerable effects and there purchased land, whereon he planted tobacco and Indian corn, and set up likewise a pot-ash work. Both himself and servants fell sick of the seasonings, which deprived him of severall of his servants and all his crop, which unhappy devastation he was no way able to retrieve, yet by the assistance of a few friends on the place he carryed on (what was chiefly aimed att) his pot-ash work, and brought the said manufacture to such perfection as (upon ye trial of some of it imported here) to be well approved by the soap makers in London. This gave him encouragement to go on, and having embarqu'ed a large quantity for England, with hopes of a good return, ye ship and cargo was unfortunately taken by ye French, which utterly disabled him in ye progress of so

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hopefull an undertakeing. without a suitable assistance, whereof he has no prospect (since his former unhappy defeat) but from ye publick. The farther prosecution of the work will benefit the public by (1) the increase of H.M. Customs (pot-ash paying 4*l.* 10*s.* per tonn), (2) the ease of returns per exchange, being now 50 or 60 *p.c.* and (3) by this means promote ye greater consumption of our woollen and linnen manufactures, and divert ye attempt of making them in ye Plantations. *Prays* for an advance of money, and a patent for making salt in H.M. Colonies in North America, being he is ye first projecture of it, weh. is a main help he proposes to himself (by ye product of salt and ye ashes made under ye salt pans) to support and carry on the pot-ash work, he not taking more then 3*s.* per bush. sterl. money from ye pans, *etc.* *Signed*, John Keble. *Endorsed*, Recd. Read May 27, 1708. 1 p. [*C.O.* 5, 970. No. 63; and 5, 994.A. pp. 350-352.]

May 27.
Boston.

1504. Governor Dudley to the Council of Trade and Plantations. I trouble your Lordships with this by the way of Barbados humbly to acknowledge letter of Oct. 13, 1707, *etc.* In obedience to H.M. commands I forthwith sent for Borland, Rouse, Phillips and Coffin (Mr. Vetch not being in this Province) and declared H.M. pleasure therein, and discharged them accordingly, and gave warrants upon the Treasury for the restoring their fines, having first taken their bonds with suretys to abide their tryal at the next Superior Court, in November. I am glad my service referring to the Naval Stores is acceptable to your Lordships, I shall not fayle of any possible methods, to bring the people to make those commoditys better for quality, and to increase the quantity every year, the only inconvenience is that the troubles with the Indians press me so hard, that I can very difficultly defend the labourers in the woods. I was perfectly ignorant that Mr. Bridges' desires referring to travelling charges had been considered before he came away; he is very diligent in his service here, and I shall not fail to do my duty for his support, I lately obtained a Law in the Province for the security of the masts, and directions for their cutting, which I hope will be pleasing to your Lordships, and will secure for the future any wasts of the great timber. The inadvertency of my Clerk left out Mr. Penhallow's name of the list of Councillors, and wrote two names wrong, inclosed is a list from the Instructions for the Govermt. of N. Hampshire, wherein it appears that by death and removal out of the Province, the Council is reduced so low that it is difficult for me sometimes to get a Quorum of five to attend the service, and I am asham'd to tell your Lordships that Waldron, Hilton and Smith, lately appointed by H.M., will by no means be prevayled with to pay for their warrants, they say that in no time past any Councillor paid any fee for a warrant, that the service is hard and no manner of benefit. It troubles me to give your Lordships this account, but the service demands it of me, and I pray your Lordships' further direction therein. *Refers to* papers sent by the *Deptford*. *Signed*, J. Dudley. *Endorsed*, Recd. Sept. 8, Read Nov. 10. 2½ pp. *Enclosed*,

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1504. i. (a) List of Councillors of New Hampshire: Wm. Partridge, gone out of the Province; John Hinks, laid down; Nathaniel Fryer, dead; Peter Coffin, 80 *ann.*; Robert Eliot; John Gerrish; John Ware, 76 *ann.* can't attend; Wm. Vaughan; Samuel Penhallow; George Jaffrey, dead; John Plaisthead; Henry Dow, dead. (b) Governor Dudley's nominations:—Richard Waldron, Winthrop Hilton, Joseph Smith, George Vaughan, Thomas Phipps, George Jaffrey, Mark Hunkins, Theodore Atkinson. *Endorsed*, Recd. Sept. 8, 1708. 2 *pp.* [C.O. 5, 864. Nos. 240, 240.i.; and (without enclosure) 5, 913. *pp.* 20–23.]

May 28.
Nevis.

1505. Lt. Governor Hamilton to the Council of Trade and Plantations. Encloses accounts of the losses of the Island during the French Invasion taken by the Commissioners. The *Hector* man of warr, Capt. Gray, tooke some weekes since a small French crovett of six guns and upwards of 80 men, wch. has in some measure hindred the privateers to be soe frequently amongst us as usual. The Island in generall is now pretty healthy, and the people begin to raise theire spirits especially with the hopes of H.M. most gracious bounty, this much I thought it my duty to informe your Lordships, the Capt. Generall being gon last tuesday from St. Christophers to Antigua, and mis'd the packett. *Signed*, Wr. Hamilton. *Endorsed*, Recd. 2nd, Read 16th Aug., 1708. 1 *p.* [C.O. 152, 7. No. 52; and 153, 10. *p.* 191.]

[May 28.]

1506. List of Protestant Refugees lately arrived from the Palatinate. (See June 22, 28, 1708.) *Names*:—Peter Rose and wife; Maria Wemars, widow and daughter; Isaac Feber, wife and son; Daniel Fiere, wife and two sons; Peter Hübertsen and son [*Herman Schüneman*]. *Endorsed*, Recd. Read May 28, 1708. 1 *p.* [C.O. 5, 1049. No. 57.]

May 28.
Charborough.

1507. Lt. General Erle to Mr. Pulteney. Recommends Mr. Gookin (see May 20). *Signed*, Tho. Erle. *Endorsed*, Recd. Read June 1, 1708. *Holograph*. 1 *p.* [C.O. 5, 1264. No. 37; and 5, 1292. *p.* 45.]

May 31.
Whitehall.

1508. Council of Trade and Plantations to the Earl of Sunderland. Enclose following. *Autograph signatures*. 1 *p.*

1508. i. Council of Trade and Plantations to the Queen. *Enclose following*. "Which Instructions are to the same purpose as those that have from time to time been given to the Lord Cornbury." *Propose that* Wm. Hall and John Harrison be appointed to the Council of the Western Division in place of Revell and Leeds who have been concerned in arbitrary proceedings. Set out, *N. Y. Docs.*, v. 42 and *New Jersey Archives*, 1st Ser., iii. 309, *q.v.*
1508. ii. Instructions for John, Lord Lovelace, Baron of Hurley, to be Captain General and Governor General of New Jersey. Kensington, June 27, 1708. [C.O. 5,

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994.A. pp. 352-406 ; and (without enclosure) 5, 1084. No. 35.]

May 31. **1509.** Council of Trade and Plantations to the Earl of
Whitehall. Sunderland. Enclose following.

1509. i. Council of Trade and Plantations to the Queen. Enclose following.

1509. ii. Instructions for Lord Lovelace for the Government of New York. *Similar to those of Lord Cornbury, C.S.P., 1701, No. 1030 and ff. Names of Councillors : Peter Schuyler, Gerardus Beckman, Rip van Dam, Caleb Heathcote, Thomas Wenham, Killian van Ranslaer, Roger Mompesson, John Barbarie, Adolphus Philips, William Peartree, Abraham De Peyster, and David Provost. [C.O. 5, 1121. pp. 144-146 ; and 168-219.]*

[May 31.] **1510.** John Rayner to the Council of Trade and Plantations. Petitions to be admitted to prove his allegations of May 10. *Endorsed, Reed. Read May 31, 1708. 1 p. [C.O. 5, 1049. No. 60.]*

[May 31.] **1511.** A complaint as to the neutrality of the Five Nations,
Boston. and a proposal for taking Port Royal. This Province (*Massachusetts Bay*) and New Hampshire has been made the butt of the present warr, by reason New York has in no measure joyned their assistance against the common enemy, nor encouraged the Five Nations to hostility against the French ; but trade with the French Indians of Canada and the Eastern parts, who have often made bloody incursions upon us. The Governor of New York, in 1704, refused to support our Commissioners in their endeavour to move the Five Nations to take up arms against the French ; they were ready to do so, if he should direct them. *Pray* for H.M. directions to him to do so. Otherwise this Province will be in great hazard of being ruined and lost, the defeat of the expedition to Port Royal last year having animated and irritated the enemy. The Governor of that place sent last summer for a force to insult us this summer. We are in very great necessity of present help from H.M. altho' our Generall Assembly were not so happy as to agree in forming their Address for it. *Propose* that a squadron of H.M. ships should be ordered to reduce Port Royal, etc. Set out, N.Y. Docs., v. pp. 42, 43, q.v. *Endorsed, Reed., from Mr. Dummer, 1st, Read 3rd June, 1708. Copy. 2½ pp. [C.O. 5, 1049. No. 63.]*

May 31. **1512.** Council of Trade and Plantations to the Earl of
Whitehall. Sunderland. Enclose following. Being informed from the Admiralty that the Commodore waits only for a fair wind to proceed on his voyage, and in regard there will be no other opportunity of sending thither this year, we desire your Lordp. will, so soon as conveniently may be, lay them before H.M., etc. *Enclosed,*

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1512. i. Commission for Capt. Peter Chamberlain, Commodore of the Newfoundland convoy, to command in chief on land there, and to inspect the ports and stores on arrival and departure, *etc.* Kensington, June 1, 1708.
1512. ii. Instructions for same, in accordance with H.M. Order. (*See* May 19, 20.) You are to inquire into abuses in the trade and fishery at Newfoundland, and irregularities practised by the officers *etc.* there, and to redress and punish them in accordance with the Act; to report upon the keeping of journals by the Admirals of harbours, the charges against Major Lloyd, and upon illegal trade; to make a return of the stores of war there and what is needed: to inspect the boom at St. Johns and give directions for necessary repairs; to inspect the garrison and make a return of what men have been enlisted, and whether belonging to ships or inhabitants *etc.* Kensington, June 1, 1708.
1512. iii. The Queen to Major Loyd. Recounts charges made against him of trading, hiring out soldiers and taxing the inhabitants. (*See* March 5 and May 19.) All which undue practices (in breach of our express commands and of the trust reposed in you) do greatly tend to the discouragement of the trade and fishery of Newfoundland: to the intent therefore that such offences may be punished, and for prevention of the like for the future, We have thought fit to direct our Commrs. of Trade and Plantations strictly to examine into the several matters aforementioned, and to lay a full account thereof before us, for our further pleasure therein. In the mean time we do hereby signify to you our utmost dislike of such undue practices, and do declare that whoever shall be guilty thereof, the person so offending, shall not only incur our high displeasure, but be proceeded against according to Law. You are to yield all due obedience to the Commodore for the time being as to your officer during his stay in those parts, *etc.* Kensington, June 1, 1708. [*C.O.* 195, 5. *pp.* 46-56.]

June 1. **1513.** Copy of Commodore John Mitchell's Commission to command in chief on shore at Newfoundland, as No. 1512.i. *Countersigned*, Sunderland. 2 *pp.* [*C.O.* 194, 22. No. 72; and 5, 210. *pp.* 97, 98.]

June 1. **1514.** George Vaughan to the Earl of Sunderland. London. A Memorialis intimating the Poverty and distressing circumstances of N. England, especially N. Hampshire. On our passage hither we took a privateer from St. Malo, who informed us that the King of France had this spring early sent ye Saldado ship of warr to Port Royall, Nova Scotia, as also 200 souldiers to reinforce the garrison of 300. We are informed that there are 7 privateers at St. Malo, from 30 guns and under, bound for ye New England coast. M. Supercasse, Governour of Port Royall, was Governour

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of Placentia, when they made ye great devastation at St. Johns, and was personally present to head and forward ye Indians in that action, and has given out that he will make ye King of France master of New England. The two late New England attempts at Port Royall have much failed expectation and been fruitless, whereby ye enemies' houses *etc.* were destroyed and ye inhabitants left studying methods for revenge and subsistence, which doubtless will fall on ye east part of New England, since that lies ye nearest to them, and is most exposed by their weakness and poverty to ye violence and outrages of that enemy. *Proposes* that a man of war be ordered for New Hampshire and that some regular forces be posted in the Castle of William and Mary, which was founded, tho' not finished, by Col. Romer, and is ye only security of that Province and H.M. stores of masts; wch. Castle by reason of ye great poverty of ye inhabitants occasioned by ye long and tedious war and murder of ye salvages, hath rarely more than 4 or 6 men to maintain it, tho' there are 30 guns mounted therein *etc.* *Signed*, George Vaughan, Agent for New Hampshire. *Endorsed*, Recd. 6th, Read 13th July, 1708. *Copy*. 1½ pp. [C.O. 5, 864. No. 228.]

June 1. **1515.** William Penn to the Council of Trade and Plantations.
[1, 4^m. (Ju.) 1708.] Honorable Friends, I must recomend the Bearer, Charles Gookin, to your favour, in his dispatch, for the sake of the present oportunity of passage, wch. will not offer for some months after. He has the Queen's referance to you, wth. a copy of my petition yt. gave occasion for it, and I hope it will finde your favorable concurrence, the Gentleman being a person sober, has known the world, of no obscure family, and very loyall to the Govermt. and has shown it for these 20 years past. I add no more, but my best wishes, and that I am Your respectfl. Friend, *Signed*, Wm. Penn. *Endorsed*, Recd. Read June 1, 1708. *Addressed*. *Holograph*. 2 pp. [C.O. 5, 1264. No. 36; and 5, 1292. p. 44.]

June 2. **1516.** Council of Trade and Plantations to the Queen. We
Whitehall. have no objection to the appointment of Mr. Gookin (May 20), security being first given for his observing the Acts of Trade and Navigation, as in the like cases; and that Mr. Penn do renew the Declaration made by him relating to your Majesty's Right to the Three Lower Counties. [C.O. 5, 1292. p. 46.]

June 2. **1517.** W. Popple, jr., to W. Lowndes. Report upon petition
Whitehall. of Captain Long (May 11). The Council of Trade and Plantations find by a Commission produced by the petitioner, dated Dec. 4, 1697, from the then Commissioners of the Admiralty, that he was appointed Commander of the *Rupert Prize*, and by his Instructions from his late Majesty it appears he was sent to make discoveries of gold-mines, wrecks and other treasure on the coast of America, as in the petition is set forth. It appears by a contract he made with the Commissioners of the Treasury, produced by him, dated July 6, 1697, that, for the considerations therein mentioned, his late Majesty was to receive

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10,000*l.* out of the first profits or advantage that should accrue from the Petitioner's undertaking, and that, for 7 years afterwards, H.M. was further to receive $\frac{9}{10}$ parts, and the petitioner to retain to his one use, $\frac{1}{10}$ part of the profits that should arise thereby, after which 7 years, H.M. was to have the benefit of the whole. But their Lordships find that notwithstanding the great charge his late Majesty was at, in fitting out the *Rupert* Prize for that service, the Crown received no benefit from that undertaking, which, as the Petitioner suggests, miscarried from the apprehensions he had of danger from the Spanish Barlevento fleet, then said to be upon that coast. As to the allegation that the petitioner laid the first foundation of a commerce with the Indians at Darien, their Lordships find the same not to be well grounded, for that the inhabitants of Jamaica, as well as several others trading into those parts had a commerce with those Indians. Relating to the information he received from them of the gold mines at Cany, their Lordships have no other proof of that part of his petition than what appears by his affidavit sworn May 17. His aforesaid affidavit further sets forth that the petitioner proposed to have 200*l.* to be laid out in buying the necessaries and presents for the Indians, that he was allowed 150*l.*, which he sold for about 105*l.*, but that he laid out among the said Indians 185*l.*, so that, according to this computation, he is 80*l.* in disburse; that he laid an account of the said disbursements before the Treasury, at his return from his first expedition in the *Rupert* Prize, which cannot now be found. Upon the whole Captain Long, having accepted of 150*l.* in malt tickets, as is before set forth, notwithstanding his pretence of having disbursed 185*l.*, and the loss he may have sustained by the foresaid tickets, their Lordships are of opinion there is nothing due to him from ye Crown. [C.O. 324, 9. pp. 187-189.]

June 3. **1518.** Mr. Rayner to Mr. Popple. Desires to know if any time is appointed for his attendance, *etc.* Signed, Jo. Rayner. Endorsed, Recd. Read June 3, 1708. Addressed. 1 p. [C.O. 5, 1049. No. 64.]

June 4. **1519.** J. Ormston, of London, to the Council of Trade and Plantations. Reasons against Mr. Sonmans being continued in the Council of New Jersey. Set out, *New Jersey Archives*, 1st Ser., iii. 310-316. Signed, Joseph Ormston. Endorsed, Recd. Read June 4, 1703 (*sic*). 1½ pp. [C.O. 5, 970. No. 71.]

June 4. **1520.** John Keble to the Lord High Treasurer. Petition, (as May 27). *Overleaf*,
1520. i. Whitehall, Treasury Chambers. Referred to the Commissioners of Customs. Cf. July 7. Signed, Wm. Lowndes. 1½ pp. [C.O. 5, 970. No. 70; and 5, 994.A. pp. 454, 455.]

June 6. **1521.** Capt. Stucley to Mr. Popple. Desires directions as to a box of papers, directed to Mr. Popple, entrusted to him
H.M.S.
Deptford,
att Kinsale.

1708.

by Governor Dudley *etc.* Signed, Cha. Stucley. *Endorsed*, Recd. 15th, Read 16th June, 1708. *Addressed*. *Sealed*. *Postmark*. $\frac{3}{4}$ p. [C.O. 5, 864. No. 221.]

June 7.

1522. Mr. Solicitor General to the Council of Trade and Plantations. Report upon two Acts of Maryland (*see* May 4). Tho' I doe not greatly approve severall clauses in each, yet I see nothing therein which will be prejudiciall to the Queene and these Realms, and I take the Law-makers there to be the best judges of the conveniencyes and inconveniencyes of their Lawes. My Lord Baltimore is certainly in the right, when he sayes, the Act for giving power to the ffarmers of his rents to recover the arrears thereof after expiration of their lease is founded upon two mistakes; for an action of debt would have lain for the arrears, tho they could not distraine, and a subsequent receipt or discharge from Lord Baltimore and Edward Somerset of rent due to them, would not have discharged the arrears due to the ffarmers; but if there was any doubt made of either of these matters, I see no harm in enacting that which is Law already; but oftentimes it is convenient so to doe, to prevent suits and troubles. As to the clause that enacts that no orphan shall be sued in an action of debt, during the minority and for 5 years after such minor shall come of age. I doe by no means understand the reason of it; but if there be reall occasion for such a Law for reasons best known to the Law-makers there, it may be allowed to pass here; but your Lordps. will doe well to be satisfied of the reasons they have for it, for such a Law here would be lyable to very many objections. The Act requiring the Agents of Lord Baltimore to certify into the Secretarye's Office the instructions and conditions of the Plantations, with the fees by them demanded, and obliging his Lordp.'s Deputy Surveyors to qualify themselves according to Law, may be of service to the publick, tho' I find the Lord Baltimore complains of it; but the reasons my Lord gives against it, don't seem to me to have weight enough to prevail agst. it; for I don't think that the Surveyors there appointed by the Lord Proprietor are to be likened to a private nobleman's steward; and the certifying into the Secretary's Office the conditions of the Plantations, and hanging up a list of fees demanded on the subject, may doe a great deal of good. Signed, Ja. Mountague. *Endorsed*, Recd. June 7, Read Nov. 8, 1708. $2\frac{1}{2}$ pp. *Enclosed*.

1522. i. Duplicate of No. 1464.

1522. ii. Copy of Act of Maryland *empowering the farmers of Lord Baltemore's rents to recover arrears after the expiration of their lease*. 4 pp.

1522. iii. Copy of Act of Maryland *requiring Lord Baltemore's Agents to certify into the Secretary's Office the Instructions and conditions of Plantations and their fees, etc.* 3 pp.

1522. iv. Duplicate of Lord Baltemore's Objections. Feb. 20, 1708. 3 pp. [C.O. 5, 716. Nos. 53, 53.i-iv.; and 5, 727. pp. 57-76.]

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- June 7. **1523.** Deposition of Samuel Jones. Process was issued out against deponent's plantation in Jamaica to seise it into H.M. hands, his quit-rents being in arrear through the negligence of his agents. This was to enable Governor Handasyd to grant it to Dr. John Stewart. The suit fell, but both before and since the Receiver General has refused to receive the quit-rents due and frequently offered to him, so that deponent is in fear of new trouble. *Cf.* April 15, 1708. *Signed*, Samuel Jones. *Endorsed*, Recd. Read June 9, 1708. $\frac{3}{4}$ p. [*C.O.* 137, 8. No. 6.]
- June 7. **1524.** Col. Nicholson and others to the Council of Trade and Plantations. An estimate of agricultural tools and necessaries required for the German Protestant emigrants, including subsistence, valued at 655*l.* 4*s.* Estimate of cost of voyage, 333*l.* *Signed*, Fr. Nicholson, Micajah Perry, Charles Lodwik. *Endorsed*, Recd. Read June 10, 1708. 3 pp. [*C.O.* 5, 1049. Nos. 66, 66.i.; and 5, 1121. pp. 260-263.]
- [June 8.] **1525.** Deposition of Wm. Peniston. I did not sign a certificate in favour of the good behaviour of Mr. Jones since his last coming to Bermuda. Nov. 26, 1707. *Signed*, Wm. Peniston. *Endorsed*, Recd., from Sir J. Bennet, Read June 8, 1708. 1 p. [*C.O.* 37, 8. No. 50.]
- [June 8.] **1526.** Extracts of letter from Lt. Governor Bennett to Sir John Bennett, as to Mr. Jones' hopes of displacing him *etc.* *Endorsed*, Recd. Read June 8, 1708. 1 p. [*C.O.* 37, 8. No. 51.]
- June 8. **1527.** Wm. Lowndes to Mr. Popple. Remits warrant for 100*l.* towards the support of the 41 German Refugees (Ap. 26). Treasury Chambers. *Signed*, Wm. Lowndes. *Endorsed*, Recd. Read June 14, 1708. 1 p. *Enclosed*,
 1527. i. Warrant referred to in preceding for the payment of 2*l.* a day from April 15. Kensington, May 10, 1708. *Countersigned*, Godolphin. 2 pp.
 1527. ii. List of German Refugees. Duplicate of Ap. 26. [*C.O.* 5, 1049. Nos. 67, 67.i., ii.; and (covering letter only) 5, 1121. p. 263.]
- June 8. **1528.** Council of Trade and Plantations to the Earl of Whitehall. Enclose Address of the Lt. Governor and Council of New Jersey complaining of the proceedings of the General Assembly. As the Lord Lovelace is now going over, he will be the best able when upon the place to inform himself of the matters contained in that Address and give H.M. an account thereof. [*C.O.* 5, 994.A. p. 416.]
- [June 8.] **1529.** Mr. Atwood to the Council of Trade and Plantations. Desires copies of Lord Cornbury's Instructions relating to his places of Chief Justice of New York and in the Council there. *Signed*, Wm. Atwood. *Endorsed*, Recd. Read June 8, 1708. 1 p. [*C.O.* 5, 1049. No. 65.]

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[June 9.]

1530. [Mr. Ormston's] List of Proprietors of New Jersey (representing $11\frac{1}{2}$ Propriety shares), who did not sign Peter Sonnmans' commission, and of those who did, representing $5\frac{1}{2}$ (including William Penn). Cf. *N.J. Archives*, 1st Ser., iii. 310-316. *Endorsed*, Recd. June 9, 1708. $2\frac{1}{2}$ pp. *Enclosed*.

1530. i. Mr. Dockwra's Observations upon above list. It is incorrect. 3 shares should be deducted from those who did not sign, and $5\frac{1}{2}$ added to those who did= $8\frac{1}{2}$ to $10\frac{1}{2}$. 3 pp. [C.O. 5, 970. Nos. 72, 72.i.]

June 9.
Whitehall.

1531. Certificate by W. Popple that no warrant for the place of Chief Justice of New York has been brought to this Office since Mr. Atwood was appointed; but *quotes* Lord Cornbury's letter of Nov. 6, 1704, and the reply of the Board confirming the appointment of Mr. Mompesson; and Lord Cornbury's Instructions, as desired in preceding. [C.O. 5, 1121. pp. 223-225.]

June 10.
Whitehall.

1532. Council of Trade and Plantations to the Earl of Sunderland. Being informed that Mr. Broughton is suddenly expected here, we think it reasonable that we do defer our representation upon the petitions of himself and Mr. Rayner till we may hear him, etc. [C.O. 5, 1121. pp. 226, 227.]

June 10.

1533. Copies of Mr. Popple's and Mr. Kocherthal's receipts for 100*l.*, being 50 days' allowance for 40 poor Protestant Refugees from the Palatinate. June 10 and 14. *Endorsed*, Recd. Read June 14, 1708. 1 p. [C.O. 5, 1049. No. 69.]

June 10.
Whitehall.

1534. Council of Trade and Plantations to the Queen. Enclose following.

1534. i. Instructions to Lord Lovelace, Governor of New York and New Jerzey, in pursuance of Acts of Trade and Navigation. Kensington, June 27, 1708. [C.O. 5, 1121. pp. 227-259; and 5, 994.A. pp. 417-447.]

June 11.
Inner Temple.

1535. Mr. Borrett to Mr. Popple. When directions were first given for prosecuting the Proprietors of Carolina and the Bahama Islands, Privilege of Parliamt. was in force, which continued till after Easter Terme, 1707, that in Trinity terme last (Privilege being out) two informations in nature of Quo Warranto's (which had been prepared and settled long before by Sir E. Northey, and Sir Simon Harcourt) were filed in the Crown Office, and I took out process that terme against all the Defts. in both informations returnable in Michmas. terme last, but could not have returns from the Sherrieff, Privilege being then in againe, and was threatned to be of for suing out the writts returnable in time of privilege, which continued till the midle of Easter term last, that so soon as the Privilege was out againe, I called of the Sheriff for the return of the writts. who makes a doubt whether he can return them, but I shall either have returns of those writts, or of the writts renewed, and made returnable this present terme, so that no time shall be lost. I desire to speak

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with Mr. Boone, *etc.* Signed, W. Borrett. *Endorsed*, Recd. Read June 11, 1708. 1 p. [*C.O.* 5, 1264. No. 40; and 5, 1292. pp. 52, 53.]

June 11. **1536.** Persons proposed by Capt. Gookin as sureties for his observance of the Acts of Trade and Navigation as Lt. Governor of Pennsylvania:—William Penn, jr., Esq., of Smith Streete, Westminster, and Richd. Standfast, bookseller, of Westminster Hall. *Endorsed*, Recd. Read June 11, 1708. 1 p. [*C.O.* 5, 1264. No. 42.]

June 11. **1537.** Council of Trade and Plantations to the Earl of Whitehall. Sunderland. Enclose letter from the Governor and Company of Rhode Island to H.M. [*C.O.* 5, 1292. p. 52.]

June 11. **1538.** Agreement of the German Refugees, empowering Joshua de Kocherthal to receive and distribute equally amongst them of H.M. bounty (June 8). Dated June 9 and 11. 5 of those named April 26 affix their marks. Melchior Gulch signs apparently Hilg. Other discrepancies of spelling. *Endorsed*, Recd. Read June 14, 1708. 1½ pp. [*C.O.* 5, 1049. No. 68.]

June 11. **1539.** W. Popple, jr., to Mr. Solicitor General. Encloses copies of Acts of 15 Charles II for the encouragement of trade and 7 and 8 Wm. III. for preventing frauds and abuses in the Plantation Trade, as also copies of clauses in Governor Crowe's Instructions. Upon consideration of Mr. Samuel Cox's complaint, the Council of Trade and Plantations desire your opinion, (1) whether by the fore-mentioned Acts, the power of appointing the Naval Officer be vested solely in a Governor of the Plantations exclusive of the Crown? (2) In case the sole right be in the Governor, yet the said office being full by virtue of Letters Patents from the Crown granted and enjoyed during the time of two preceding Governors, which is the case of Mr. Cox, whether the present Governor can dispossess him of the said office, without any crime or mismanagement alledged against him? or whether the right of the Governor accrues only in case of vacancy during his Government? [*C.O.* 29, 11. pp. 230–232.]

[June 11.] **1540.** Wm. Brook, of London, Mercht., to the Council of Trade and Plantations. Presents petition of John Hallet to be appointed to the Council of Barbados, there being a vacancy by the death of Col. Tobias Freere. He is a person of good substance, sober life, well-affected to H.M. and now serving as Col. of one of the Regiments there. He was formerly put in upon a suspension of one of the Council, and is now upon the list of persons recommended to supply vacancies, *etc.* *Endorsed*, Recd. Read June 11, 1708. ¾ p. [*C.O.* 28, 11. No. 7; and 29, 11. pp. 232, 233.]

June 12. **1541.** Lt. Governor Bennett to the Council of Trade and Bermuda. Plantations. As in mine of Feb. 10 I have now sent by Col. White an account of what number of inhabitants there are in these

1708.

Islands, whites and blacks, and also the whole number of the militia, and that Gentleman is to acquaint your Lordps. the number of sea-faring men. Also is now transmitted Journalls of the Assembly from Feb. 12, 1706 to March 2, 1708, soe that I presume your Lordps. now have them compleat dureing my Government to that time. I have likewise now sent the Navall Officer's lists of vessells entring and clearing from Oct. 1, 1705 to April 4, 1706, which, with those before returned, I conclude are all from my arrivall to that date. Also is herewith sent Capt. Jones his accts. as Secretary and Provost Marshall, wherein your Lordps. may see that he received the rent of one of the three shares of land as Crown land in the possession of Mrs. Sarah White, altho he charges me in Article 31 with receiveing the whole. Also is now transmitted Mr. Davis his accts. as Treasurer, 1701—June 24, 1703, and Capt. John Tucker, who succeeded him, has orders forthwith to bring in his accts., which, when audited, shall be transmitted, soe that I hope in a little time to have complied with everything required of me by my Instructions, and will take all the care I can for the future to be more regular in observance of them than was possible for me to have been for the time past. In Mr. Davis his accts. of the receipts of the rents of the publick land, your Lordps. may see that he received what rent was paid by Capt. Jones his tenants for land belonging to him as Provost Marshall, from after his suspension to the time of Mr. Davis his makeing up his accts. and gives the Crown credit for it, as if it had belonged to the same. The truth of which is verified by Mr. Davis his now inclosed affidavit, soe that, my Lords, I think and hope it is convinceing by Mr. Minor's certificate and the Treasurer's oath, that I had noe thought of making any benefit to myself by suspending Capt. Jones, when I never knew nor enquired after the perquisites of the Secretary's Office nor reed. noe advantage thereby, nor soe much as for two years knew what land was appropriated to him as Provost Marshall. I have herewith again sent the tryal of Thomas Dunscomb (who went over with and appeared for Capt. Jones att the hearing before your Lordships on June 9, 1707). He was indicted for abuseing the Rev. Mr. Thomas Holland, Rector of St. George's. In my packet of Feb. 10, I sent a list of H.M. Council here, *etc.* But since that Capt. Thomas Jenour, a Member thereof, is dead, and Capt. Harford soe aged, infirm and almost blind that it's concluded he will never be in a position to attend that service any more, therefore I have now sent a list of H.M. present Council and recomended eight persons *etc.* On the last day of Feb. a ship of about 400 guns, called the *John*—belonging to London, Capt. Samuel Creaker Commander, run on the sholes of the Norwest part of these Islands, where she stuck fast and bilged. But the Master, by timely assistance, saved what was in her and all her rigging and sails; she was bound to Virginia. On March 25 arrived here a ship in distress from Bristol, called the *Lyon*, of about 300 tuns and 16 guns, Capt. William Edgeley, Commander, and upon a survey she was found incapable to proceed on her intended voyage to Virginia, and was accordingly condemned in

1708.

the Admiralty to pay seamen's wages. On June 10, via Barbados, I recd. your Lordps.' of Dec. 30 with H.M. letter requiring the Council here diligently to attend her service, which has been read att the Board, and entred into the Council's Books. *Refers to enclosures* by Col. Day. I also would have transmitted to your Lordps. copsy of the proceedings both att Law and Equity about that house and ground, but they being soe very long that it was not possible to have them transcribed in time, besides I presume they may be in the Office, having been twice sent. *P.S.*—A small sloop from Virginia hath lately been condemned here for bringing some tobacco, for which the Master had noe certificate, the whole proceedings shall be transmitted in my next. *Signed, Ben. Bennett. Endorsed, Recd. 24th, Read 26th Aug., 1708. Holograph. 4 pp. Enclosed,*

- 1541. i. Lt. Governor Bennett to the Lord High Treasurer. June 20, 1708. I have no objection to H.M. granting the house and land to Sir T. Day *etc.* referred to July 31, 1707. *Signed and endorsed as preceding. Holograph. 2 pp.*
- 1541. ii. A List of the Council of Bermuda. Gentlemen recommended for vacancies :—Col. Francis Jones and Major Henry Tucker in addition to the 6 recommended Feb. 10, 1708. *Signed, B. Bennett. Endorsed, Recd. Aug. 24, 1708. Holograph. 1 p.*
- 1541. iii. Account of ordnance-shot in Bermuda. *Endorsed as preceding. 1 p.*
- 1541. iv. Deposition of John Davis. Lt. Governor Bennett did not claim or receive any rents from the lands appropriated to Capt. Jones whilst deponent was Treasurer. June 22, 1708. *Signed, Jno. Davis. Same endorsement. 1½ pp.*
- 1541. v. Duplicate of No. 1525.
- 1541. vi. Trial of Thomas Dunscombe. Quarter Sessions, July 18, 1706. Fined 40s. for threatening and abusing the Rev. Thomas Holland, minister of St. Georges. *Same endorsement. 1 p.*
- 1541. vii. Mr. Jones' Accounts of powder received by him 1705—Aug., 1706. *Same endorsement. 3¼ large pp.*
- 1541. viii. Mr. Jones' account of money received and paid by him 1705, 1706. *Same endorsement. 2¼ pp.*
- 1541. ix.-xi. Accounts of John Davis, Treasurer, 1701—1704. *Same endorsement. 27, 13 and 25 pp.*
- 1541. xii. Accounts of George Tucker, Provost Marshal, Dec., 1706—March, 1708. *Same endorsement. 27 pp. [C.O. 37, 8. Nos. 70, 70.i.-xii. ; and (without enclosures) 38, 6. pp. 416-424.]*

[June 14.] **1542.** Minutes of Assembly of Barbados, Dec. 3, 1707. Address to H.M. voted nem. con., returning thanks for the dismissal of Wm. Cleland and John Holder, *etc.* 2 pp. *Endorsed, Recd. (from Mr. Tryon) 14th, Read 22nd June, 1708. 2 pp. [C.O. 28, 11. No. 9.]*

1708.

June 14. **1543.** Mr. Bradshaw to the Council of Trade and Plantations. Mr. Robert Barron repeats his application to be paid the arrears of glebe lands in Bermuda, the Lt. Governor having made him no satisfaction in response to the Board's letter, 1707, *etc.* Signed, J. Bradshaw. *Endorsed*, Reed. Read June 15, 1708. 1 p. [C.O. 37, 8. No. 52; and 38, 6. pp. 337, 338.]

June 14. **1544.** W. Popple, jr., to Mr. Burchett. Desires a copy of Whitehall. Capt. Rich. Whitebourn's commission, 1615, to enquire into disorders on the Newfoundland coast, *etc.* [C.O. 195, 5. pp. 56, 57.]

June 15. **1545.** Council of Trade and Plantations to the Queen. Whitehall. Representation upon complaints as to proceedings upon escheats in Jamaica (*cf.* April 15). *Quote* affidavit of Capt. Jones, June 7, and Mr. Whitchurch. We do not find that Governor Handasyd's Instructions require him, as he says, to grant escheats to informers, but on the contrary to await your Majesty's directions. Till we have heard what the Governor has to say in justification of such his proceedings, we cannot determin whether they have been well or ill grounded, therefore we shall only offer that, tho' the Governor is by his Instructions, and the trust reposed in him, required by all lawfull ways to maintain your Majesty's just right and title to escheats and forfeitures, and tho' the party agrieved by any judgment or sentence given therein, is releivable upon an Appeal, yet ought the Governor in our humble opinion to avoid giving incouragement or countenance to groundless and vexatious suits against any of your Majesty's subjects there on account of such escheats or forfeitures, as complained of by the Petitioners, to the disquieting the minds of your Majesty's said subjects, a due protection and quiet enjoyment of whose property is absolutely necessary to the well carrying on the trade of that Island so very beneficial to this Kingdom, in order whereunto we humbly propose that on this occasion your Majesty's pleasure be signified under your Royal sign manual to the said Governor not to proceed against, or molest the petitioners, or any other of your Majesty's subjects there on account of escheats or forfeitures of lands or negroes, without good and sufficient grounds for his so doing; and that whenever any lands or negroes shall be adjudged escheat or forfeit to your Majesty, he be required, under pain of your Majesty's displeasure, strictly to observe his Instructions in forbearing to make any grant thereof, till he shall have given to your Majesty an account of all escheats *etc.* so adjudged by the first opportunity and have received your Majesty's pleasure thereupon. If this method be duly observed it will answer the petition, as the petitioners have declared, for thereby all your Majesty's subjects of Jamaica may have a better opportunity either of making good their titles to their lands and negroes upon a full tryall there, or of having recourse to your Majesty's Royal goodness and favour for relief here, as occasion may require. The Governor to stay proceedings and forward a state of the case of Capt.

1708.

Samuel Jones, *etc.*, as set out, *Acts of Privy Council*, II. pp. 549, 550. [*C.O.* 138, 12. pp. 265-272.]

June 16.
Whitehall.

1546. The Earl of Sunderland to Governor Crowe. Acknowledges letter of March 1st *etc.* Your care in putting the Island into a posture of defence and in exercising the Militia is very commendable, and I am glad you were so easily freed from that alarm, which may have a good effect in being a warning to you to be upon your guard against any real attempt of the enemy if they should make one. As to Mr. Sharpe and the other Councillors you have displaced, I must refer you to H.M. letter of Jan. 24 last *etc.*, and hope that you have obeyed H.M. pleasure therein declared. I doubt not but you will receive from the Council of Trade full answers to your letters to them, but I cannot forbear taking notice of your proceedings in relation to Mr. Cox, the Naval Officer in your Island, but hope you will for the future show greater regard to H.M. Patent, which is the title by which you yourself hold your place. *Signed*, Sunderland. [*C.O.* 5, 210. p. 99.]

June 16.
Whitehall.

1547. Same to Governor Handasyd. I have received yours of March 31 *etc.* and thank you for the accounts you give me of M. Ducasse's squadron. You did well in supplying Capt. Wager with what men you cou'd spare, and I heartily wish he may have the success you encourage us to hope for. I am glad your people find means to trade with the Spanish coast, and doubt not but you will give them all possible encouragement in it, to which the disapointmt. of the late intended French invasion will probably contribute, since the Spaniards will thereby know how little likelihood there is of their being supported by a power that have so lately suffered so great a disgrace in an attempt of that consequence; this you will improve as you have opportunities of sending to the Spanish West Indies by endeavouring that the good news be spread among them as much as possible. Your care of H.M. Prerogative and the rights of her subjects in not passing an Act you apprehended to be so prejudicial to both, is much to be commended, but I cannot say anything further on that head till I have seen the Act and layd your letter before H.M., which I will do with the first opportunity, and must beg leave till then to defer answering the remaining heads of it about a Chief Justice, the Naval Officer *etc.* *Signed*, Sunderland. [*C.O.* 5, 210. p. 100.]

June 16.
Whitehall.

1548. The same to Governor Lord Cornbury. I have received your Lordship's of Nov. 29, *etc.*, which I shall lay before H.M. with the first opportunity. H.M. having thought fit to appoint my Lord Lovelace to succeed you in the Governmt. of New York and New Jersey, you will soon have occasion yourself to give H.M. a full account of the state of those provinces and of your proceedings there. I heartily wish your Lordp. a safe passage *etc.* *Signed*, Sunderland. [*C.O.* 5, 210. p. 101.]

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June 16.
Whitehall.

1549. Same to Governor Parke. I have received yours of March 7, and am very sorry to hear of any misunderstanding between you and Col. Codrington, or any one else, but hope your own prudence and temper will overcome those difficultys. I know of no better way to secure you in your post than by a faithful and diligent discharge of your trust. I think you did no more than your duty in obeying my Ld. Treasurer's Orders. As to the Brigadeer's commission, I doubt not but my Lord Duke of Marlborough will do you justice, and you need not despair of any friendship or good offices that you can reasonably expect from me. *Signed, Sunderland.* [C.O. 5, 210. pp. 101, 102.]

June 16.
Whitehall.

1550. Same to Mr. Bridger. I received yours of March 10, which is referred to the Council of Trade, from whom you will receive directions etc. *Signed, Sunderland.* [C.O. 5, 210. p. 102.]

June 17.
Jamaica.

1551. Governor Handasyd to the Council of Trade and Plantations. *Acknowledges* letter of Jan. 29, H.M. Privy Seal as to suspending Councillors, and two Orders in Council repealing the late Quartering Act, all which shall be duly observed. As to what I writt to your Lops. in relation to the privateers, which you were informed had committed irregularitys on the Spanish coast, the informer I did suppose to be Commadore Kerr, whose behaviour I gave you a full account of Aug. 29, 1707. Reports that happen are not to be taken notice of, except from good hands, for where there is one true, 100 prove to be lys, so that I am sure our people's correspondents in England will never want news. As to the Minutes of the Assembly, I am very glad H.M. Governors in other Islands do find their Assemblys so compliable to their commands; but for my part the Gentlemen of this Island, I must say, I never found ready to obey either the laws of God or man; and notwithstanding I have shown them H.M. Order as well as your Lops.' to this purpose, yet I could never get any minutes from them but by scraps: to discourse with them apart they seem as honest Gentlemen as can be, and ready to comply with every thing required of them, but when they get together in the House, they join in the doing every thing that is the contrary; if they were any other people but the Representatives of a Country, I could deal well enough with them, and not give your Lops. this trouble, let the ffate of it prove what it would. The Minutes of the Council I hope your Lops. have no reason to find fault with. As to what relates to the Prize Office, I have constantly ordered the Prize Officers to send an account from time to time, and I hope their neglect cannot be looked upon as a crime of mine. I must say, I have had greater plague with the captors of prizes and the Prize Officers, than with any thing in the Island, except the Assembly. Since I came into this country, which is now 7 years past, and particularly since I have been in the Government, I have never eat the bread of idleness, but most part of the time the bread of affliction, and there is nothing in the world falls so heavy on me as the having a check from my Superiors, when I have faithfully endeavoured to do everything, to the best

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of my knowledge, for the good of H.M. service, and the welfare of Great Britain. As to the Spanish trade, we have severall sloops now upon the coast, but trading is very dull, to encourage and support it, I have not been wanting either in my advice or my purse, the latter I have been very unfortunate in, having lost in the *Neptune* sloop above 3,300*l.*, and in a Guinea ship near the same summ: I had an eighth part of a 50 gun ship, that was fitted out to destroy the French privateers, and she also failed, these losses with that in the Royall Mine and other matters have proved almost the ruine of my family. As to the account your Lops. could have of the Patent Offices, I shall by the next packett be sure to give you the best insight into them I can. I enclose a Proclamation lately issued out here by the Councill and me, which I had much ado to prevail with the Councill to consent to. It will prove greatly to the advantage of H.M. Revenue, by adding to it the Quitt-rents, I hope, of 1,000,000 acres of land, and I do not doubt but your Lops. will approve of it. Here are arrived in this packett-boat 76 recruits. I writ by former packetts to recommend to you for the Councill, in the room of Col. Sadler decd., and Coll. Lowe absent, Col. Brodrick and Capt. Oldfield, but Col. Lowe intending shortly to come over, do desire that Capt. Oldfield may supply the place of Major John Ascough, one of the Councill, who is gone to Great Britain with a design not to return; I received no answer from your Lops. to my former recommending them, but do understand that some Gentlemen of this country now in great Britain have endeavoured to oppose it on a pretence that they were not men of sense, fortune or integrity. To which I do averr that they are both men of sense and good fortunes in this country, and are not to be byassed to do anything unjust; and I must say that if it is in the power of the people here to make their own Councill as well as their Assembly, it will not be then in the breast of any Governor to have justice done to the Queen or Country. I have now but 8 Councillors here and severall of them are sick or bedrid with the gout, so that I shall hardly be able to make a Councill upon occasion, and as to appeals, there can be none, most of the old Councillors being Judges or Factors for the Guinea Company. I have advice from an English man, by name John Bernard, that has lately made his escape from the Havanna, that there are in that harbour 35 sail of merchant ships and 5 men of war, all French ships with mony on board, and one galleon that has been there these two years, they expect 3 men of war from La Vera Cruz, that are waiting there to convoy the flotta, he says the sailors are very sickly, and that Monsr. Du Cass had been 9 days indisposed when he came away, he further informs that he saw the two Regiments of Marines that belong to Monsr. Du Cass's squadron, and counted the men, and that they consisted of no more than 350. After severall consultations between Commadore Wager and me, which were the properest places for him to lie in to meet with the galleons, he has at last had the good ffortune to fall in with them (*see enclosure*). We hourly expect Mr. Wager in, and then I shall be able to give your Lops. a more particular

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account of this matter. *Signed*, Tho. Handasyd. *Endorsed*,
Reed. 2nd, Read 4th Aug., 1708. 4½ pp. *Enclosed*,

1551. i. Account [*? by Governor Handasyd*] of Commodore Wager's engagement with the Spanish galleons. Thomas Newton, Master of the *Martha* sloop of London, arrived in Port Royall Harbour from the coast of Porto Bell, Wedn. June 9th, and adviseth that on the Thursday before, on his return to Jamaica, under convoy of H.M.S. *Dolphin*, they fell in with the *Kingston*, *Portland* and fireship, between the Brew and Friends Islands. The Commadore engaged the Spanish Admirall, who, after an hour's dispute, blew up : he then came up with the Reer Admirall, and after three hours' engagement with him, took him ; the Commadore lost 14 men, the Galleon 90. The *Kingston* engaged the Vice-Admirall, who got among some shoals, and the *Kingston* being timorous of runing upon them, that Galleon made her escape into Carthagene. The next morning they spy'd another Galleon which, in chasing of her, run ashore, where the Spaniards blew up her stern and left her. *June 18.* Capt. Tudor, H.M.S. *Dolphin*, is just now arrived, who gives account that there are no more men saved of the Admirall's galleon that blew up than 17 out of 7 or 800. Mr. Wager, he says, is to windward, refitting the galleon he took, as well as his own ship, and designs when done to make the best of his way to Jamaica. The other two men of war are cruising off Carthagene, and are endeavouring to get what they can from the galleon that run ashore. It is my opinion Monsr. Du Cass, when he hears this news, will not stay any longer, but make the best of his way to France. I shall endeavour all I can to prevent those vessells coming out of Carthagene that designed to join Monsr. Du Cass, and am sending all our privateers to cruize off that port and the Havanna. I assure myselfe there will be care taken to look out sharp for them in Europe ; pray God send us good success. The prisoners that are taken report that there are in the three galleons that are taken and destroyed, at least 14 or 15,000,000 sterl. By the common report Mr. Wager has had a hard task, the other two men of war and fireship having done very little, their reasons for it time will shew. *Endorsed*,
Reed. Aug. 2, 1708. 1½ pp.

1551. ii. Copy of Proclamation by Governor Handasyd. Holders of lands without patents are (within 6 months, or 12 if beyond the seas). to pay the Receiver General the quit-rents due, and will then have patents granted them ; if not, they will be prosecuted, and the informer granted the patents of their lands *etc.* *Endorsed as preceding.* 1½ pp. [*C.O.* 137, 8. *Nos.* 14, 14.i., ii. ; and (*without enclosures*) 138, 12. pp. 306–311.]

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June 17.
Whitehall.

1552. W. Popple, jr., to Mr. Burchett. Encloses extract of Mr. Bridger's letter, March 9, 1708, to be laid before H.R.H. [C.O. 5, 912. p. 424.]

June 17.
Admlty.
Office.

1553. Mr. Burchett to Wm. Popple. *Acknowledges preceding.* The Records of the Admlty. Court having been searched, it does not appear that there was any Commission issued out to Capt. Whitborn [June 14] to empanel juries and to enquire into disorders upon oath at Newfound Land; and none of the Bookes in this office reach soe farr backward as 1615. *Signed,* J. Burchett. *Endorsed,* Recd. Read June 18, 1708. 1 p. [C.O. 5, 864. No. 222; and 5, 912. p. 425.]

[June 17.]

1554. S. Broughton to the Council of Trade and Plantations. Recounts his applications to Governor Lord Cornbury, and his continued delay in appointing him Attorney General of New York according to H.M. warrant of June 18, 1705. Set out, *Acts of Privy Council*, II. pp. 522-524. *Signed,* S. Broughton. *Endorsed,* Recd. Read June 17, 1708. 3 pp. [C.O. 5, 1049. No. 71; and 5, 1121. pp. 266-268.]

[June 17.]

1555. Mr. Coward's terms for transporting the German Refugees to New York. 150 men, women and children at 7l. sterl. per head prepaid *etc.* *Signed,* Wm. Coward. *Endorsed,* Recd. Read June 17, 1708. $\frac{1}{2}$ p. [C.O. 5, 1049. No. 72.]

June 17.
London.

1556. Mr. Perry to Mr. Popple. Proposals concerning a ship to transport the German Refugees. *Signed,* Micajah Perry. *Endorsed,* Recd. Read June 17, 1708. *Addressed. Postmark.* 1 p. [C.O. 5, 1049. No. 70.]

[June 18.]

1557. Mr. Ormston to the Council of Trade and Plantations. Repeats reasons against Sonmans (June 4), and encloses following. *Signed,* Joseph Ormston. *Endorsed,* Recd. Read June 18, 1708. 1 p. *Enclosed,*

1557. i. Corrected list of Proprietors who signed and did not sign Peter Sonmans' Commission, showing $5\frac{1}{2}$ who did not and $3\frac{1}{2}$ who did. *See* June 9. 1 p. [C.O. 5, 970. Nos. 73, 73.i.]

[June 18.]

1558. Printed Copy of the Reply of the Assembly of New Jersey to Lord Cornbury's Answer. [See June 7, 1707.] *Endorsed,* Recd. from Mr. Ormston, Read June 18, 1708. [C.O. 5, 970. No. 74.]

[June 18.]

1559. Mathew Newnam to the Queen. Refers to his trial in Bermuda. *See* No. 576. ii. Formerly a Baron of the Exchequer there, he was accused by Thomas Burton, the Attorney General, out of private malice, in general terms, of monstrously ill behaviour. Without admitting him to any defence, the Court committed him to gaol, until he found security in 500l. to appear at the next Sessions and in the meantime be of good behaviour. He

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could not find bail for such an excessive sum. The next General Court, instead of proceeding upon the said accusation, the Court let it fall ; but Burton then procured an indictment to be preferred and found for having villified all the Justices, *etc.*, as No. 576. ii. It was known that he was not worth one quarter of the sum to which he was condemned in fines and recognizances. He has therefore been ever since detained in gaol, and the Governor perswaded by petitioner's enemies hath lately ordered the only window of the said gaol to be closed. These proceedings were arbitrary and illegal ; the fine and bail excessive and contrary to the Declaration of Rights ; the words, if spoken, were only spoke in private ; the Attorney General peremptorily challenged 8 of the jurors at the trial, without reason given, *etc.* Petitioner has applied in submissive manner to the Governor and Justices. All the common method of Justice having been totally obstructed in the Island for the last two years, the Justices have proceeded to act arbitrarily and contrary to Law, knowing there is no law open to examine their proceedings, *etc.* Signed, Mathew Newnam. *Subscribed,*

1559. i. H.M. refers this petition to the Council of Trade and Plantations for their report. Whitehall, June 27, 1707. Signed, Sunderland. *The whole endorsed,* Recd. Read June 18, 1708. 3 pp. [C.O. 37, 8. No. 54 ; and 38, 6. pp. 366-376.]

June 20.
Boston.

1560. Governor Dudley to Mr. Popple. I make this adventure round about Great Britain. *Encloses* following Act, the like of which I am labouring to get in the Massachusetts Colony, which will settle all, and Mr. Bridger will be easy in his station, he has had a great hurry about the cutting of masts for Mr. Collins of London, for which H.M. warrant is not arrived, and whatever we could do by private methods and labourers, they got those trees down, but I have seized them, and they are all in the keeping of the sheriffs and officers till H.M. pleasure be known, but this Act will preserve us for the future and make the matters easy and H.M. right very secure, *etc.* Signed, J. Dudley. *Endorsed,* Recd. Sept. 8, Read Nov. 10, 1708. *Holograph.* 1 p. *Enclosed,*

1560. i. Copy of an Act of New Hampshire for the better preservation of all mast trees or white pine trees, *etc.* enacted May 11, 1708. *Endorsed,* Recd. Sept. 8, 1708. 1½ pp. [C.O. 5, 864. Nos. 241, 241.i. ; and (without enclosure) 5, 913. pp. 23, 24.]

[June 21.] **1561.** Deposition of E. Jones and T. Neehills. The following are true copies. Mr. Newman was a poor man but of good esteem *etc.* At the time he spoke the words complained of, he and Capt. Daniel Johnson were much disordered in drink *etc.* The window in the gaol where he was confined was stopped up by the Governor's Order *etc.* Signed, Ed. Jones, Tho. Neehills. July (*sic*) 21, 1708. *Endorsed,* Recd. Read June 21, 1708. 2¼ pp. Cf. No. 1559. *Enclosed,*

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1561. i. Copy of Order of committment of Matthew Newman, July 18, 1706. $1\frac{1}{2}$ pp.
 1561. ii.-v. Presentment of the Jury, Verdict and Sentence upon Newman Aug. 22, 1706. 3 pp.
 1561. vi. Copy of an Act of Bermuda *for regulating the Courts*, Aug. 31, 1706. 4 pp. [C.O. 37, 8. Nos. 57-62.]

[June 21.] **1562.** Lt. Governor Bennett's Reply to Mr. Robert Baron, Clerk. I made no promises to him, and did not know him till he came to me from my Ld. Bishop of London. By the Act of Assembly he had but 40*l.* and two shares of land, but he also had fees for funeral sermons (few people being buried without), *etc.*, besides two shares of School land I gave him, which was more than any Minister had before. I believe he never received any recompense from the town of St. George's for his trouble, for he refused 7*l.* 10*s.* which was offered, thinking it too little. I urged the Vestry to give more, but they resented his calling them porgey-headed dogs *etc.* He and his family were frequent guests at my table. He is owed nothing for rent of house or land. When I signed the certificatt of his character I did not know of his vitious actions, *etc.* *Signed*, B. Bennett. *Endorsed*, Recd. from Sir John Bennet, Read June 21, 1708. *Copy*. $3\frac{1}{4}$ pp. *Enclosed*,

1562. i. Mr. Baron's petition to Lt. Governor Bennett for leave to return to England on the plea of his and his wife's health and want of servants *etc.* Feb. 18, 170*3*. *Signed*, Robt. Baron. *Endorsed as preceding*. *Copy*. 1 p.
 1562. ii. Reply of the Assembly of Bermuda to Mr. Baron's petition. Sept. 26, 1705. These Islands are in no way indebted to him. *Annexed*.
 1562. iii.-xii. Deposition of Miriam Dunscomb, Hannah Coverly, Wm. Haley, Mary Bullock, Mary Lambert, Mary Jones, Wm. Stroude, Sarah Smith, and Alice Finney, as to the lewdness, debauchery, drunkenness and profanity of Mr. Baron; Sept., 1705; and of Thomas Phillips as to the offer of the Vestry of St. George's of 7*l.* 10*s.* to Mr. Baron and his refusal thereof. Sworn, Sept., 1705. *Endorsed*, Recd. Read June 21, 1708. *Copies*. 14 pp. [C.O. 37, 8. Nos. 63-65, 65.i.-x.]

June 22. **1563.** W. Popple, jr., to Sir John Bennet. Encloses copy
 Whitehall. of Matthew Newman's petition. [C.O. 38, 6. p. 383.]

June 22. **1564.** Council of Trade and Plantations to the Queen.
 Whitehall. Recommend for H.M. confirmation two Acts of Bermuda, (1) *impowering Justices of Peace to determine differences not exceeding 40*s.** and (2) *for quieting estates*, which are Acts passed by the Assembly with amendments, as prescribed, in place of two repealed (*cf.* June 27, 1707). Recommend for confirmation Act *to encourage the building a house at the Ferry*. The granting the two shares of land proposed by the said bill will be for the

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good of your Majesty's subjects there, *etc. as set out, Acts of Privy Council*, II. No. 1066, *q.v.* [*C.O.* 38, 6. *pp.* 384-386.]

June 22. **1565.** Mr. Secretary Boyle to the Council of Trade and Plantations. Refers enclosed petition, *etc. Signed*, H. Boyle. *Endorsed*, Reed. Read June 25, 1708. 1 *p.* *Enclosed*,

1565. i. Joshua de Kocherthal to the Queen. Petitions on behalf of 14 more Refugees from the Palatinate, 3 of whom are natives of Holstein, *etc.* Set out, *N.Y. Docs.*, v. *p.* 44, *q.v.* $\frac{1}{2}$ *p.* [*C.O.* 5, 1049. *Nos.* 74, 75; and 5, 1121. *pp.* 271-273.]

June 22. **1566.** Council of Trade and Plantations to the Queen. *Whitehall.* *Quote* representations on defence of Barbados, Jan., 1707 and 1708, and Governor Crowe's account of the Militia there, March 1st, 1708. We humbly offer that, for the security of the said Island, during the present war, it will be necessary that a Regiment of regular and disciplined men be sent thither, so soon as conveniently may be. [*C.O.* 29, 11. *pp.* 256-258.]

June 22. **1567.** Council of Trade and Plantations to the Queen. *Whitehall.* Recommend for ratification 2 Acts of Jamaica concerning Bartholomew and Williams. *Cf. No.* 1582. [*C.O.* 138, 12. *pp.* 287, 288.]

June 23. **1568.** W. Popple, jr., to Wm. Lowndes. Since my letter *Whitehall.* of June 16, the Council of Trade and Plantations have discoursed with several persons about the transportation of the Lutherans to New York, and the most reasonable terms their Lordships could bring any persons to are contained in the enclosed paper [June 17]. But as the said terms seem to be high, and as their Lordships cannot take upon them to judge of bargains of that nature, not being conversant therein, they have commanded me to desire you to offer their opinion to my Lord High Treasurer, that the Commissioners of the Transport Office are better able to inform his Lordship whether the inclosed proposal be reasonable or not. While their Lordships were transacting this matter, they found that the proposer was unwilling to undertake this voyage without the number of 150 passengers, and their Lordships being informed that there are about 100 recruits to be sent to New York, if this proposal shall be thought reasonable, those recruits may be transported in the same ship. As the proposer do's expect to know whether his proposal will be accepted of, their Lordships desire that, when any resolution is taken in this matter, they may be informed thereof, in order to their communicating the same to the proposer. Col. Nicholson and Mr. Micajah Perry, who have been versed in these matters, are willing, if required, to undertake the buying the tools and necessaries for the said Lutherans, so soon as my Lord High Treasurer shall please to issue the mony. [*C.O.* 5, 1121. *pp.* 269-271.]

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June 23.
Whitehall.

1569. Council of Trade and Plantations to the Earl of Sunderland. Enclose Address from Nevis, March 13, and repeat Representation of Dec. 19, 1707, as to supplies required for Nevis and St. Kitts, and pray that they may be sent as soon as possible. [*C.O.* 153, 10. *pp.* 179, 180.]

June 23.
Maryland.

1570. Governor Seymour to the Council of Trade and Plantations. On June 14, and not before, I had the honour of your Lordships' of May 7, 1707, and Sept. 2, 1707, both being duplicates and forwarded to me by Col. Jennings. By that of May 7, I am glad to observe H.M. has been pleased to appoint your Lordships to preside over her Plantations, and that I shall have the honour and happyness on all occasions to make my application and Address to such worthy personages to whom I have long since had the honour to be personally known, and shall at all times with great dilligence and sincerity endeavour to discharge my duty by giving your Lordships from time to time the best information of the state and condition of this H.M. Province, as well by letter, as way of Journall, together with coppys of the Publicque Acts of Assembly and accots. of the Publicque Revenue here. In answer to your Lordships' commands to send you a compleat list of the present Council, *etc.*, repeats names of Councillors appointed, dead and not attending. Finding it very difficult to procure a meeting of the Councill on never so urgent occasions, the number of 12 being reduced to 6 and under 9, I was obliged, pursuant to my Instructions, to swear two Gentlemen of the Councill, being of the number of those I formerly offered to the Honble. Board, viz. Col. John Contée and Samll. Young, Esq., gentlemen of knowne probity and good worth, and who have been allways zealous to promote H.M. service, and now recomend them to your Lordships to be confirmed and approved by her most sacred Majesty, together with four others, Phillip Lynes, Esq. and Col. Thomas Greenfield, Lette Biggs, Esq. and Col. Thomas Addison, Gent. of good abillity and bearing, true affection to H.M. Government, to supply the present vacanecys of H.M. Councill resident here, if it be her good pleasure. And further present you the names of 12 other persons, of good loyalty, worth and probity, by whom any other future vacanecys may be supplied, viz. Jno. Hall, Major Jno. Hawkins, Col. Wm. Whittington, Wm. Harris, Robert Bradly, Jno. Gresham, Col. Charles Greenberry, Lt. Coll. Richard Tilghman, Lt. Col. Tho. Hammond, Coll. Nath. Hynson, Matthew Tilghman Ward, and Major George Gale, the one half resident on ye Westernne and the other on the Eastern shoare, of good probity and understanding. Upon view and strict examination of the best list I could procure of the number of inhabitants, they were the last yeare computed to be 33,833 souls, white and black, viz. 7,090 Christian men, 6,325 Christian woemen, 12,808 children, 3,003 white servants and 4,657 slaves. The last list was so ill taken that there can be no fair estimate made thereof, being found very erroneous, so cannot pretend to say how much the number of inhabitants is since increas'd, which notwithstanding is considerably ; but

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for your Lorps.' satisfaction acquaint you that since the Crowne tooke this Province under its more imediate protection, anno 1690, the taxable persons, vizt. the white men and black men and woemen from 16 to 60, are increas'd from 10,400 to 15,840, in all 5,440 taxables. Wee are dayly made sencible of the loss and remoovall of divers inhabitants and residents in this Province to our neighbouring Collonys of Pensilvania and Carolina; the chief motives whereto are the present poverty of this country, the Planters having sufferr'd extreamly this present warr in the marketts being shutt up, so that after the numerous hazards of unseasonable weather, lack of plants, the fly, the ground worme, the horne wormes, it's being house burnt, frost-bitten, the dangers of sea and our enemys, all encountred and overcome, the freighters have not had near the vallue of their labour or expence of servants and cloathing etc., and those who have layd out their cropps with the merchants in the countrey, have not been able to get above 3s. 6d. per cent., so that for many years last past, servants and slaves have proved burthensome to many masters, and helpt by hard labour to impoverish them. The inhabitants of North Carolina finding in what ill circumstances wee are here, many being indebted for more then their stocks, made an Act of Assembly there, inviting all persons to settle with them under the protection of 5 yeares' exemption from paying their debts, which has drawne many familys thither. Againe Pensilvania, on the other hand, by raising the vallue of their coynes to so extravagant a height, beyond H.M. royall Proclamation, and the great encouragement they give to saylors, has induced many young ffreemen, artificers and saylors to quitt this Province and settle there; so that unless H.M. be graciously pleased to lay her commands on those Governments to repeale the aforesaid Carolina Act of Assembly and conforme themselves in lowering their coyns according to the Proclamation, there is no likelyhood of preventing her subjects continuall desertion hence to those less profitable Collonys. As for those miserable people that are so much indebted, I know not why their deplorable circumstances should not be taken into consideration by H.M. being pleas'd to recomend to the Generall Assembly an Act of Bankruptey in their favour to acquitt them upon delivering up their all to their creditors, which is as much as can be required, and that it shall be felony to conceale or imbeazill, so that they may be once more enabled to begin the world againe, and H.M. not lose the use of so many subjects. The number of the Militia, horse and ffoot upon the review I made the last yeare amounted to 5,738 effective men, but very many of them very ill arm'd and accoutred, and the reason of it I take to be is that the Law obliges them to supply themselves, which many are not able to doe under the present scarcity. Our trade of exportation is wholly of tobacco to Great Brittain, unless some very little inconsiderable quantity supplied to H.M. subjects in the West Indies, and that not much encouraged, and from the South part of H.M. Kingdome of Great Brittain have we most of the supplies wee recieve of European manufactures as formerly wont, not above two vessells having yet arrived from

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North Brittain, as for wine, rumm, sugar, molasses and salt, they are brought us from the Azores, West Indies, Saltitudoes and Providence, or Exuma, but of those small quantitys suffice. As to the increase of trade here, of late years few white servants have been imported from England, and most of them woemen, but severall men servants as well as woemen, from Ireland, and a considerable quantity of negroes from Gambo and the Gold Coast, besides the country natives grown up, so that the quantity of tobacco made here is not deminished, but rather increased of late years; and 'tis computed that there has been made upwards of 30,000 hogsheads the last yeare, and yet it's believed not sufficient to lade the present shipping, the advantage of consignments having engaged many of the merchants in London not only to build many brave shippes, but also to hire others on Charter party. Untill this last ffeet, wee have all this warr wanted a competency of shipping to carry away the tobacco made, and the want of European goods, the shippes importing nothing but protested bills of Exchange, had occasion'd sundry persons, especially on the Easterne shoare, to sow flax and hemp for their present supply. But these endeavours, upon the rise of tobacco, will be quickly laid aside. The present methods used to prevent illegall trade are the dilligent endeavours of the severall gentlemen appointed by the Commrs. of the Customs to be Collectors and Surveyours of H.M. rates and dutys here, and also by the Navall Officers here appointed by myself, so that there has been very little carried on since my accession to the Government, unless in some very triviall matters not worth your Lordships' notice, and which are constantly punished with the uttmost severity, when detected. But for the more effectuall discovery of any abuses of this nature, I am humbly of opinion a small Custom-house shallop with a discreat Master, knowing the Acts of Trade, and tenn men, would be a great cheque to any such designe, and be of more expedition and service then a bigger vessell. There are few shippes or other vessells belonging to the Province, tho divers of the considerable Planters are concern'd in some with the merchants in London, but with little advantage. There have been some good shippes built here, as the *Elizabeth of Liverpoole*, of near 400 tunns, the *Factor* of Bytheford of neer the same burthen, the *St. Quintin* and divers others by the merchants in England, besides some few brigantines and sloopes, not above a dozen in all, by the inhabitants, whose trade is confined to the West Indies and Azores. The countrey are naturally inclined to building vessells, and the natives take it upon them very readily, but the loss of their small craft by the French in trading to the West Indies, togeather with their low circumstances, not having wherewithall to procure sailes, rigging and ironworke, has not only discouraged but totally disabled them from the attempt. As to manufactures here, they are inconsiderable, shoes being the chiefest, and those not to be had but at farr dearer rates then from Great Brittain. Pinching want has put some few on making of a little linnen and woollen, but not sufficient to supply their owne familys, and that too would be quickly layd aside

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were they supplied from Great Brittain, at any reasonable price, but few goods of late years have been sold under 300 per cent. The account of publick arms and amunition has been lately transmitted to the Honble. Board, since which by the care of Col. Blackiston, our Agent, we have receiv'd a fresh supply of arms and amunition, so that wee have now in our magazine 200 musqtts., high caliver bore, 100 carbines snaphanch, 100 cutlases with broad deep blades, 200 cartouch boxes, 110 half barrells of powder 56 lb. each, one half barrell of glazed powder, 500 weight of lead, one half in bulletts, the other in high swann shott, 24 drums and 120 halberts, with 12 trumpetts, beeing one for each County. What I wrote your Lordships as to a guardshipp here, I thought was my duty, this coast for some years last past having been continually infested by the Martinico privateers, and many of our merchants shipp, to the detriment of their owners, and great diminution of H.M. Customs, having been snapt up even at the Capes' mouth, a thing not heard of before since the last Dutch warr. My Lords, I am glad mine of March 6 and June 10, 1707, have kissed your Lordships' hands ; as for Benj. Celie and Humphrey Hernaman, they are now both of them in the neighbouring Province of Pennsylvania at worke for themselves, the one being a carpenter and the other a blacksmith, without any restraints, and beg leave to assure your Lordships, what I did in that matter was in their favour, and what I was advised to by the Generall Assembly here, tho I am happy to stand corrected by your Lordships' better judgment. Richard Clarke, the ringleader of all the late villanys and disturbance here and who has put the Countrey to above 1,000*l.* charge, being since taken and executed, the Countrey is now very much at ease and in great tranquillity. I am pritty well assured, ere this, the Journals of Assembly, Minutes of Councill and the Laws, are arrived in Capt. Thos. Carpenter, in the *Sussex* galley, yet will by the fleet send duplicates in obedience to my Instructions, so that your Lordships will have the Law for towns, that for suspending the prosecution of Romish Priests, and the Law relating to the Lord Baltimore's Agents before you, for your consideration and direction. I doubt not but your Lordships will consider the Act pass't in 1694, for encouragemt. of learning and advancement of the natives, with the reasonableness of what I have humbly offered for H.M. service and benefitt of the Province, beyond which I am altogether disinterested. In obedience to the directions from the Honble. Board, with the advice of H.M. Councill here, I have regulated the Provinciaall Court by reducing the number of the Justices of that Court, formerly 12 or 13 at the least, to 4 of the most discreet and understanding persons, who hold 4 terms annually, vizt. in Aprill, July, September and November, and go the Easterne and Western Circuites twice in a year, vizt. in May and October ; the first circuit of Assizes, having been perform'd in May last to the generall sattisfaction of the whole Province, unless some few County Justices, who love honour and take their dignity to be lessen'd by any authority appearing greater then theirs in the severall countys. As to the Law about

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ordinary lycences, the Generall Assembly assert that those perquisites were no proper fee intended to be settled on the Secretary's Office, tho the Lord Baltemore's Secretarys were, by his Lop.'s assignement, on some considerations permitted to receive them, but vested in his Lop., in right and support of Government then in him; so that altho myself and severall of the Councill earnestly endeavoured to have the Law revived in favour of H.M. Secretary, yet we were not able to prevaile, nor considering the temper of the people, can I now hope any better success on fresh recomendation, therefore am of opinion H.M. Secretary should make application for a small Act of Parliament in England to settle those lycences. I know not what misrepresentations to your Lordships I may lye under, from the present Secretary, Sir T. Lawrence, in relation to his office, notwithstanding it is manifest by the late regulation of the Provinciaill Court, his fees are considerably augmented. I have not yet been so happy to receive the Honble. Board's letter of March 6, 1708, therefore am not able to make answer thereto. I have already acquainted your honourable Board that the persons I sent to demand at North Carolina have been delivered up to Justice here, and likewise transmitted two coppys of the Act of Assembly made there for the protection of debtors, which I doubt not but your Lordships will think reasonable to lay before H.M. for her directions to that Government. This Province are highly obliged to your Lordships' just consideration of their great necessity, in that you have been pleased to recomend to the merchants to supply it with English manufactures, which they have by this fleet in some measure complied with, so that the little manufactory of linnen and woolen, upon which some small essays have been made by people in the greatest want, will fall of themselves, the merchants being able to supply them from Great Brittain at farr easier rates, if they think fitt. When Mr. Dumer is pleas'd to make his proposall to your Lordships about letters, etc., and I receive your comands, I shall not faile to use my uttmost endeavours to forward that so advantageous a designe for improoving our correspondence with great Brittain. Just in making up this letter, I receiv'd your Lordships' of Feb. 12, requiring an account of the ordinary lycences, and how many have been granted from Oct., 1703 to 1707. As the management of that concerne is wholly in the hands and under the care of the severall County Clerks appointed and commissioned by H.M. Secretary, so it will be some time before I cann have the account from them, tho I have given directions to have them transmitted for your Lordships' satisfaction, which I shall endeavour by the returne of the fleet. Some letters I have wrote to Mr. Blathwayt, whilst he had the honor to be of your Board, and those relating to H.M. service, as Auditor of the publique Revenue, and thought it the safest way and quickest method to direct them under covert to Mr. Popple, Mr. Blathwayt being often out of towne on his owne affaires, as well as H.M. service; but for the future shall observe your directions, and assure your Lordships I never sent one letter relating to myself or familly under yt. cover. Tho I have

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made my application to the Secretary of State, the Admiralty and your Honble. Board, I can never get my letters from the men of warr in any reasonable time after their arrivall, which I am ashamed to complain of so often, but I hope your Lordships will excuse me being not able to answer letters in time, which come to me so oddly, who am as willing, as ready and as obedient as any Gent. in my rank to obey the orders of my superiours, etc. *Signed*, Jo. Seymour. *Endorsed*, Recd. Sept. 8. Read Nov. 10, 1708. 12 pp. [*C.O.* 5, 716. *No.* 54; and 5, 727. pp. 76-95.]

June 23.
Whitehall.

1571. W. Popple, jr., to Mr. Broughton. The Council of Trade and Plantations expected that you wou'd have brought the certificate from Sir E. Northey. They expect you on Friday, etc. [*C.O.* 5, 1121. p. 269.]

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1572. Duplicate of preceding. *Overleaf*,

1572. i. Sir E. Northey's certificate as to Mr. Broughton's abilities. Set out, *Acts of Privy Council*, II. p. 525. *Signed*, E. Northey. *Endorsed*, Recd. Read June 25, 1708. *Addressed*. 1½ pp. [*C.O.* 5, 1049. *Nos.* 73, 73.i.]

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Virginia.

1573. Col. Jenings to the Council of Trade and Plantations. I did myself the honour of writing to your Lordships Feb. 26 last, and hope it hath ere now reach'd your hands; since which Capt. Stewart in H.M.S. *Guarland* arrived here to attend as a guardship: but the misfortune of having one of her masts sprung in the voyage hither, and besides being very foul, has very much disabled her to do that service wh. otherwise might have been expected. Soon after Capt. Stewart's arrival, one Crapeau in a privateer sloop from Martinico of four guns and about 70 men, took a ship from Liverpoole and a sloop from the West Indies, a little to the Southward of our Capes; on which H.M. Council here caused a nimble sloop to be impressed, and delivered to Capt. Stewart, who mann'd her out and together with the *Garland* cruised about the Capes for some time, but was not so fortunate to meet with this privateer; and having since receiv'd orders to take under his convoy the fleet now bound for England, the further pursuit of the privateer was thereby interrupted, and an opportunity given him to committ further spoils on this coast, and I am informed that (since Capt. Stewart came in to prepare his ship for the homeward bound voyage), he has been within our Capes and lately taken a ship off the Capes of Delaware. The knowledge this privateer hath gain'd of our coasts, and the success he has had, will in probability encourage him and others to visite us too often, and I am perswaded your Lordps. are so sensible of the loss H.M., as well as her subjects, sustain by the enemy's taking the ships bound from this country, that your Lordps. will judge it very necessary that a guardship of good force should constantly attend this Colony, which under the conduct of a dilligent Commander might effectually secure this trade. I am obliged to acquaint your Lordps. that Capt. Stewart not being provided with a long boat, wh. would have been very usefull for attacking

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small privateer vessels in shoal water, the Council on his representation continued the aforementioned sloop in pay for that particular service, which has brought above 70*l.* sterling charge on the Queen's Revenue ; and I hope when another guardship is ordered hither, she may be provided for the service required of her, without depending on an uncertain assistance here. The accounts of H.M. revenues are by this opportunity transmitted to my Lord High Treasurer by H.M. Auditor and Receiver Generall. The uncertainty of Capt. Stewart's proceeding with this fleet directly for England, has occasion'd my delaying the sending your Lordships the Council Journals ; but I here humbly transmit an abstract of that Journal from Oct. 15, 1706, to April 30 last past inclusive, and [that] by the Fleet send your Lordships the Journals themselves, with all the other publick papers relating to this Government. I have in conjunction with the rest of H.M. Council, presumed by former conveyances humbly to represent the encroachments made on this H.M. Colony by the Proprietary Government of Carolina, and I now send a transcript of all the proceedings in relation to that dispute since 1680, so far as can be collected from the Council books. I humbly offer to your Lordships that the settling the bounds of that Province is of great consequence for H.M. service. The great obstacles to it heretofore have been the want of particular directions from your Lordships and the consideration of the charge it would cost, which the General Assembly have been unwilling to defray, alledging it ought to be paid out of the Queen's Revenue : and since there's little hopes the Assembly will do it, and that the Revenue of 2*s.* per hhd. is not sufficient to defray that and the other charges already on it, I humbly submit whether it would not be for H.M. service if H.M. would order the charge of laying out those bounds to be paid out of the Quitt-rents, since that Revenue will be considerably augmented by the addition of many thousand acres of this Colony, if the Proprietors are confin'd to Weyanoak Creek, the boundary mentioned in their Charter, and not suffered as at this time to extend their pretensions to the Nattoway River and other places which never bore that name. The patenting the lands on the South side Blackwater (wh. your Lordships have now under consideration), has so near a relation to the ascertaining those bounds that the one cannot be perfectly settled without the other, for, after the taking up land in those parts was restrained here, there have been several tracts of land taken up and patented, and much more entered for both by the inhabitants of this Country and Carolina, as under that Government, wh. on a fair division will fall within this Colony. So that unless the bounds be ascertained, there will be great inconveniencys found from the interfering of entrys and patents, and opportunity given to defraud H.M. of her Quitt-rents, under pretence of grants from Carolina. The dispute with the Proprietors of the Northern Neck concerning a tract of land lying in the Forks of Rappahannock River, and claimed by them by vertue of their grant, is yet undetermin'd. The testimonys of some persons who have travelled up that river, with the accounts of the Indians,

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seem to favour the pretensions of the Proprietors, the Southern branch being reported by them to be the larger: but there's little certainty in this account, neither was it known at the granting of the Proprietors' Charter, whether there was any such Southern branch: so that it may very naturally be inferred that the intention of the Crown was to bound the Proprietors' grant with that part of the river which was known to ly next to it, which is humbly submitted to your Lordps.' consideration. I shal only add, that those branches extending themselves still wider the nearer they approach the mountains, the tract of land between them is very considerable, and may in futurity bring in a considerable Revenue to the Crown or the Proprietors, to whichsoever it shal be judged to belong. Some time before the death of the late Governor, the General Assembly was prorogued, and afterwards on advice in Council, it was thought fitt to continue it under prorogation, that there might be an Assembly ready to meet in case anything extraordinary for the safety and peace of the Country should require it, before the arrival of a Governor, who was then expected, pursuant to which advice, prorogations were made from time to time; but it being surmized amongst the Burgesses, that by those frequent and repeated prorogations, they were ipso facto dissolved, therefore, least that scruple might obstruct the country's business when there should be occasion to call them together, it was thought fitt rather to dissolve the Assembly by proclamation; and the Country being (God be thank'd) very quiet, it hath not been thought necessary as yet to call another Assembly. Some vagrant Indians of the Tuscoruro nation, who used to hunt for the inhabitants of the frontier Plantations, having last fall committed a murder in New Kent County; three of the persons suspected were seized, two of which poyson'd themselves in prison before tryal, the third, whose name is Jack Mason, was tryed and found guilty by the Jury; but upon such slender proofs that the Commissioners appointed for his tryal thought fitt to recommend him as an object of mercy, and it has been since prov'd that he was at another place some miles distant at the very time the murder was committed: but he being found guilty of wilfull murder, which H.M. hath thought fitt to direct shall not be pardon'd here without H.M. express order, I humbly request your Lordps. to move H.M. for her royal pleasure therein. There are other Indians suspected who are now among the Tuscoruros, and a demand hath been made to have them delivered up to Justice, wch. their nation have not yet done; but I hope satisfaction may be had concerning them, without any danger to the Country. The Government of South Carolina have lately seized divers goods which the Indian Traders of this Colony were carrying to the Western Indians, and have very much interrupted that trade. I have, with the advice of the Council, written to the Governor of that Province to know his reasons, it being a new practice never offerred at before, tho' that trade has been carryed on by the inhabitants of this Colony these many years. If that Government have power to restrain all but

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themselves from trading with the Western Indians, under pretence of their being within the Proprietors' Bounds (tho' they own no subjection to them) it will very much diminish the trade of this Colony, and lessen the consumption of the manufactures of England, which are now vended in that trade. On May 27 I had the honour to receive H.M. royal Instruction, empowering me to take upon me the administration of the Government of this Colony, and to execute the same powers as H.M. Lieutenant Governor or Commander in Chief could or ought to do, during the absence of H.M. Lieutenant and Governor General. I must acknowledge this extraordinary mark of H.M. favour is an honour I as little expected as deserved, and for which the utmost of my endeavours for H.M. service will be too small to express the deeper sense of it which I shall always preserve in my heart: at the same time I cannot omitt my humblest acknowledgements to your Lordps. *etc.* I shall endeavour with all faithfulness to discharge my duty *etc.* The greatest part of H.M. Royal commands which I have received by this Fleet bear direction for Governor Hunter, whose misfortunes I am heartily sorry for: I have, with the concurrence of H.M. Council, taken measures for answering your Lordps.' letter of May 7, 1707, and hope to be able to give particular answers to every one of the inquiries mentioned therein, by the Fleet. I have likewise had the honour of your Lordps.' of June 12 and Sept. 2, 1707, but the letter of March 26, mentioned in the first of them, never came to my hand, and I fear it is unfortunately miscarried. I observe your commands in relation to the Blackwater and Pamunky Neck land, and to the granting of Patents, and I here send a true list of the patents that are prepared, and ly for signing till your Lordps. signify your further pleasure therein. *Acknowledges intimation of repeal of Act for settling the titles and bounds of lands etc.* (July 1, 1707). I wish the original Order were come that I might issue a proclamation to notify H.M. disallowance of it; for that Act being the most frequently used in the Courts of Judicature in all tryals about land, and it being commonly rumored in the country that 'tis repealed, it will occasion great confusion in the Courts, untill that repeal be publicly notified. On June 20 I had the honour to receive H.M. Order repealing the Act of Revenue *etc.*, and have published the same by proclamation. I have in like manner communicated to the Members of H.M. Council, H.M. royal Commands (Dec. 30, 1707) for their constant attendance at Councils wch. I hope they will give all due obedience to. The Act of Assembly which laid that useful and necessary duty on liquors and slaves expired on May 24; there hath been raised by this Act about 4,000*l.* sterl., 3,000*l.* of which was appropriated to the building of a house for the Governor; but this will not be sufficient to finish it, neither can the overplus be applied without the direction of the Assembly. 'Tis expected that all the outside work will be finish'd this summer, wch. will exhaust the whole ffund appropriated for the building, but I shal take all necessary care to have that work finished as soon as may be. I'm sorry to acquaint your Lordps. that tobacco continues still very low in

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its price, and wch. is worse there is like to be but indifferent crops this year. This Fleet has supplied the country very plentifully with goods for the present, and I wish the merchants would so far see the general interest of the nation as well as their own, as to send in continued supplies of cloathing, which will be the only effectual means to take off the inhabitants of this country from going on the woollen and linnen manufactures, to which necessity at first forced them, and the benefite they have found by it seems to have confirmed in them too great an inclination to continue it, in so much, that this last year the planting of tobacco has been laid aside in some parts of the country, and the improvement of the manufactures of cotton, woollen and linnen followed with an unusual alacrity and application. *Signed*, E. Jenings. *Endorsed*, Recd. Sept. 8, Read Nov. 8, 1708. 5½ large pp. *Enclosed*,

1573. i. List of Patents of Land prepared for signing. *Endorsed*, Recd. Sept. 8, 1708. 5½ large pp. [C.O. 5, 1316. Nos. 7, 7.i.; and (without enclosures) 5, 1362. pp. 304–315.]

June 24. **1574.** Col. Jenings to [? the Earl of Sunderland]. *Repeats* Virginia. *part of preceding. Signed*, E. Jenings. 2¼ pp. [C.O. 5, 1341. No. 9.]

June 24. **1575.** Office Accounts of the Council of Trade, Xtmas to Lady Day. See *B.T. Journal*, July 7. 5 pp. [C.O. 388, 76. Nos. 38–40.]

June 25. **1576.** Council of Trade and Plantations to Governor Parke. Whitehall. *Acknowledge* letters of Oct. 22, March 6 and 8. We observe what you say in relation to seizures for trading illegally, and that the reason why no seizures are made is because Col. Codrington is like to pay so dear upon that account; but we do not think that a sufficient reason to prevent lawfull seizures, and therefore where there is proof that the Acts of Trade and Navigation are violated, you ought to give the necessary directions that seizures be made and prosecuted as those Acts direct: in the doing whereof you cannot doubt of being justified. As to your sending us the Naval Officers' lists of ships entred and cleared in your Government, we do not understand yt. you are to pay for the same. But if that officer should continue to refuse to give you such lists for us, you ought to suspend him from the execution of his place, giving us an account thereof, that we may lay the same before H.M. Though the Laws for quartering of soldiers and for sending negroes to publick works be temporary, yet you ought to have transmitted them to us, for though they would expire before H.M. pleasure cou'd be known upon them, yet it is fitting we should see them in order to our making such observations thereupon, and transmitting the same to you from time to time as occasion may require. We are very sorry to perceive that the rules of justice are so little regarded in ye Courts, and therefore you will do well to endeavour to get a Law pass'd for the better

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regulating of Courts, and for the better administration of Justice in the several Islands under your Government. As to the Acts for your house-rent, we sent you, Feb. 26, H.M. Instruction to you on that behalf, which we doubt not but you have received before this, and therefore we have nothing further to add. There has no complaints been made to us against you; but if any should come, you may depend upon our doing of you Justice, and that nothing will be done here to your disadvantage without your or some persons on your behalf having an opportunity to answer the said complaints. We have likewise considered your letter subjoyned to your Speech to the Assembly of Antigua, and by our next shall be able to give you our thoughts upon it. [C.O. 153, 10. pp. 181-183.]

June 25.
Whitehall.

1577. Council of Trade and Plantations to Governor Handasyd. *Acknowledge* letters of Feb. 14 and March 31. We have laid before H.M. the two Acts relating to the free Negroes for her royal approbation. We have considered your objections to the Bill for quieting possessions, which objections we think reasonable and well grounded, and that you have done well in refusing to pass that Bill into a Law; and we doubt not of your care on all occasions that no such clauses so prejudicial to H.M. interest be incerted in any future Law, without H.M. leave first obtained. We are sorry to perceive the Assembly have so little deference to H.M. commands in relation to the officers and soldiers. But we hope that at their next meeting they will come to a better temper. You have done well in supplying Commodore Wager with men, in order to his cruising for the galleons, of which we are in hopes to hear a good account from the Commodore's diligence and zeal in H.M. service; we are glad to hear he gives such satisfaction to the merchants and Traders of Jamaica, and particularly that the trade to the Spanish coast goes on so successfully. If you consult the Act *for the encouragement of trade*, and the Act *for preventing frauds and regulating abuses in the Plantation trade*, you will find that, upon a vacancy, the nomination of a Naval Officer in the Plantations is in the Governor, copies of the clauses in the abovementioned Acts upon that subject are here inclosed, so that your appointment of Mr. Norris to that place, he giving the security as required by the said Acts, is a legal constitution. H.M. has been pleased to appoint Mr. John Peck to be of the Councill, in the room of Col. Sadler decd. As to Mr. Brodrick, whom you have recommended, we find in our books such objections formerly made against him that we cannot think it for H.M. service that he bee admitted to that Board. As to what you say, that some of the old Members are Factors to the American Company, we send you here inclosed the copy of a clause of the Act *to settle the trade to Africa*, whereby you will perceive that all Factors, Agents etc. for the said Company, are prohibited from being Judges in the Plantations, under the penalty of 500*l.*, and whereas Counsellors in Jamaica are Judges in cases of equity or error, you will do well to acquaint the said Counsellors herewith, that they take

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care they do not any longer transgress and incur the penalty of the said Law. [C.O. 138, 12. pp. 288-292.]

June 25.
Whitehall.

1578. Council of Trade and Plantations to Governor Crowe. Since our letter of May 14, a duplicate whereof is here inclosed, we have received yours of March 1. We commend your care in endeavouring to discipline the Militia of Barbadoes, but we are sorry to understand it is in so ill a state. We have again represented that matter to H.M. etc. [See June 22.] When H.M. pleasure shall be declared thereupon, we shall give you timely notice thereof. We are sorry that the differences between you and the Assembly have rise to such a height as to occasion their dissolution before they had passed the Excise Bill, which, as you observe, may prove of ill consequence, should the fleet arrive before another Bill be passed. We were in hopes matters might have been so ordered as that the publick would not have suffered, and we think it highly imports you to take care to prevent the like inconveniencies for the future. You ought with all the earnestness possible to recommend to the Assembly the raising of a fund for repairing of Fort St. Ann's, and for maintaining of the Mattrosses. The Assembly's backwardness in these matters are no incouragement for the sending of a Regiment thither. You will do well therefore to press them in the most effectual manner that they comply with what is so necessary for their own safety. As to what you write upon your Instructions in relation to the four suspended Councillors, we always understood those Instructions in the same sence as we writ you Oct. 30 and Jan. 29 last, viz., that those Instructions cou'd not be interpreted to mean that the said Counsellors shou'd be turned out, barely for voting for the Paper Act, especially when they so soon saw their error, and altered their measures accordingly; and we cannot but think that the Earl of Sunderland understood it so likewise by his letter to you of March 28, 1707, directing you to pursue the same methods as Col. Sharp had done in the administration of the Government. The great neglect you complain of in the officers in the performance of their respective duties in the service of the publick, is what we think may be easily remedied; for if upon your admonition, they continue still to misbehave themselves, you ought to make use of the power given you by H.M. to suspend the chief offenders in order to deter others, and to transmit an account of your proceedings therein, with your reasons for your so doing, that we may lay the same before H.M. for her pleasure therein. We have considered the reasons given by some of the Members of the Council, Nov. 4, 1707, for their opinion on the petition of Col. Holder, and here inclosed transmit to you our observations thereupon. [See Nov. 5, 1707.] [C.O. 29, 11. pp. 267-270.]

June 25.
Whitehall.

1579. Council of Trade and Plantations to Lt. Governor Bennett. Since our letter of May 14, a duplicate whereof is here inclosed, we have received yours of Feb. 10 and March 25. The

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letter you mentioned to have writ by the way of Virginia, dated Sept. 22, 1707, is not come to our hands, so that if there was anything material in it, you will do well to send us a duplicate thereof, as indeed you ought to do upon all other occasions. We perceive by the list of Counsellors you have sent us that there are 4 vacancies in the Council of Bermuda, but you have not acquainted us what is become of the persons that filled those places, whether they be dead or gone off the Island, which you ought to have done in order to our laying that matter before H.M., and therefore we must expect your answer to this before we can proceed any further therein. Tho your reason for not sending a list of the inhabitants has some weight in it, yet we cannot think the sending of such lists can be of any prejudice to the Islands under your Government, if you take care to direct the captains of the ships, to whom you intrust them, to thro' your packets overboard with a weight fasten'd to them, in case of imminent danger from an enemy. We have received from your brother the papers relating to Mr. Barron, and shall in a little time receive also your letter in relation to Mr. Jones. The further consideration of whose complaints we intend to respite according to your desire till the arrivall of those gentlemen you say are coming from Bermuda. Upon this occasion we must take notice to you that you ought not to transmit to your brother any of our letters, or even copies thereof, nor indeed any papers which relate to the publick. These ought to be transmitted as directed by your Instructions to us and to a Secretary of State. You may depend upon our doing of you justice in everything that shall come before us, and no complaints will be made use of to your disadvantage till you, or your friends for you, have been heard. We are glad to understand that the fortifications are compleated and that the militia are in such good order, in which we think you have done good service, and we shall, as occasion offers, take notice of it. We have read the proceedings you have sent us in relation to the *Rose*, seized by Lt. Wilcox, but this matter being now before H.R.H., we can do nothing in it, unless it be referr'd to us; in which case we shall report our opinion to H.M. However, we think the proceeding had been more regular, had you appointed a Court of Admiralty to have examined that matter, tho we perceive that Lt. Wilcox notwithstanding he once desired it, did afterwards desist. We have laid before H.M. the two Acts you have sent us for her approbation, as also the Bill for the building of an house at the Ferry, *etc.* (June 22). As soon as H.M. pleasure shall be declared thereupon, we shall give you timely notice thereof. We have not received your letter of June 25, 1706, which you mention in our Secretary's letter to have writ us, containing an account of stores of war *etc.*, and therefore we expect a duplicate thereof by the first conveyance. Having examined the list of Acts which you have sent us, passed since your Government, we find four of them wanting. And it appearing to us that there have been no Acts passed in Bermuda between 1704-1707, we desire you to inform us whether it be so, or no. [C.O. 38, 6. pp. 387-392.]

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June 25.
Admiralty
Office.

1580. Mr. Burchett to Mr. Popple, jr. In answer to letter of June 17, H.R.H. has receiv'd the like account from Mr. Brydger. It is of very great importance to the service to have the said Surveyor enjoyn'd to prevent the waste of great trees and supported therein all that may be; the redressing of which matters the Prince thinks does properly belong to the Council of Trade and Plantations, and therefore doubts not but their Lordships will take effectuall care to prevent this. *Signed*, J. Burchett. *Endorsed*, Recl. Read June 25, 1708. *Addressed*. 1½ pp. [C.O. 5, 864. No. 223; and 5, 912. pp. 425, 426.]

June 26.
Kensington.

1581. Two Orders of Queen in Council. The Governor of Jamaica is to be instructed in the matter of escheats *as proposed* in Representation of June 15, *q.v.* *Signed*, John Povey. *Endorsed*, Recl. Read July 13 and 30, 1708. 2½ pp. [C.O. 137, 8. Nos. 11, 13; and 138, 12. pp. 294-296 and 300, 301.]

June 26.
Kensington.

1582. Order of Queen in Council. Confirming 2 Acts of Jamaica to prevent slaves being evidence against (1) Manuel Bartholomew, a free negro, (2) John Williams, a free negro. *Signed*, John Povey. *Endorsed*, Recl. 15th, Read 17th Jan., 1708. 1½ pp. [C.O. 137, 8. No. 26; and 138, 12. pp. 353, 354.]

June 26.
Kensington.

1583. Order of Queen in Council. The Representation of June 22, relating to a Regiment for Barbados, is to be put into the hands of the Earl of Sunderland for H.M. pleasure therein. *Signed*, John Povey. *Endorsed*, Recl. Read July 6, 1708. ¾ p. [C.O. 28, 11. No. 10; and 29, 11. p. 271.]

June 26.
Kensington.

1584. Order of Queen in Council. Approving Representation of June 2 as to the Dep. Governor of Pennsylvania, and ordering accordingly. *Signed*, John Povey. *Endorsed*, Recl. Read June 30, 1708. 1½ pp. [C.O. 5, 1264. No. 47; and 5, 1292. p. 59.]

June 26.
Kensington.

1585. Order of Queen in Council. Confirming, in accordance with Representation of July 29th, 1707, Act of New York *for vacating extravagant grants, etc.*, and repealing Act *repealing* this and other Acts. *Signed*, John Povey. *Endorsed*, Recl. Read July 6, 1708. 2½ pp. [C.O. 5, 1049. No. 78; and 5, 1121. pp. 294, 295.]

June 26.
Kensington.

1586. Order of Queen in Council. Instructions are to be given to the new Governour of New York, relating to above-mentioned Acts and grants of land, as proposed in the Representation of July 29, 1707. *Signed and endorsed as preceding*. 1½ pp. [C.O. 5, 1049. No. 79; and 5, 1121. pp. 295, 296.]

June 26.
Kensington.

1587. Order of Queen in Council. Appointing Messrs. Hall and Harrison to the Council of New Jerzey in the room of Messrs. Revel and Leeds. (See May 31, 1708.) *Signed*, John Povey.

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Endorsed, Recd. 19th, Read 21st July, 1708. 1 p. [C.O. 5, 1049. No. 85; and 5, 1121. pp. 310, 311.]

June 26. **1588.** Order of Queen in Council. Approving Instructions
Kensington. to Governor Lord Lovelace relating to Acts of Trade (June 10).
Signed and endorsed as preceding. $\frac{3}{4}$ p. [C.O. 5, 1049. No. 86;
and 5, 1121. pp. 311, 312.]

June 26. **1589.** Two Orders of Queen in Council. Confirming 3 Acts
Kensington. of Bermuda as recommended in representation June 22, *q.v.*
Signed, John Povey. *Endorsed*, Recd. Read July 6, 1708. $1\frac{1}{2}$
and $2\frac{1}{2}$ pp. [C.O. 37, 8. Nos. 66, 67; and 38, 6. pp. 393-397.]

June 27. **1590.** Governor Parke to the Council of Trade and Planta-
Nevis. tions. Inclosed I send a Law very much desired by the Assembly
of this Island. I think 'tis of an extraordinary nature, therefore
pursuant to my Instructions I am not to pass it, till you have
seen it. I desire your orders by the first packett after your perusal
of it, for untill I receive your orders the Courts will be shut.
Signed, Daniel Parke. *Endorsed*, Recd. Sept. 1, Read Oct. 27,
1708. 1 p. *Enclosed*,

1590. i., ii. Two Copies of an Act of Nevis to *oblige the inhabi-*
itants to settle debts contracted before the invasion
of 1706. *Endorsed as preceding.* 2 pp. [C.O. 152, 7.
Nos. 54, 54.i., ii.]

June 27. **1591.** Governor Crowe to the Council of Trade and Planta-
Barbados. tions. I have now before me your Lordships' of March 25 and
April 15, and what your Lordships command therein shall be
punctually obey'd but it's impossible in soe short a time as the
pacquett is allowed to stay here to procure any sattisfactory
acett. of the African Trade or exact import of negroes for soe
many years past, altho' I have with uttmost dilligence endeavour'd
it, soe must beg your Lordships' patience untill next conveyance.
Messrs. Sharpe, Cox, Mills and Walker were last Council day
restor'd to their places at that Board; I am sorrey any ommissions
should be made by the Clarkes in transcribing the Minutes. I
have given strict orders for preventing futtire mistakes. There
was little business last Grand Sessions; adjoyned your Lordsp.
will receive coppys of the Grand Jurey's Addresses wth. their
presentments, which I have some time since endeavour'd to
rectifie. Upon the application of the Commanders of severall
ships of fforce now loaden here, I have (on their security to defend
and stand by each other) given them liberty to saile for London.
Some days since a Spanyard came up in one of our trading sloops
from Curracco with passports from the Agents of the Spanish
Assento for two sloops with negros, if the merchts. here would
send any to Carthageen at 35*l.* per head to be paid there, which
is but an inconsiderable price, however I have encouraged the
Traders to make an adventure, soe soone as they can procure
proper vessells, in hopes of a more advantageous trade, and in
the mean time I take all the methods I think can conduce to

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pleasure the Spanish mercht. and his attendants, but that nation has been soe terrified by former ill usages in this Government, that he would not adventure to bring any effects or money with him. Altho' on receipt of your Lordships' letter per last packet I gave directions that all the Pattent Officers should give me as neer an acct. as they could of the yearly value of their places severall of them have not yett comply'd. The expected fleet are much wanted and will have the misfortune of lying here in the most dangerous season of the year. H.M. men of warr are now a cruizing off Martinique. *Signed, M. Crowe. Endorsed, Recd. Sept. 17, Read Oct. 27, 1708. 2 pp. Enclosed,*

1591. i. Address from the Grand Inquest of Barbados. We are ready to offer our lives and fortunes for H.M. service *etc.* *Signed, Samuel Hasell, John Price, Antho. Lane, Wm. Hunt, John Dottin, John Waterman, George Scott, Christo. Webb, John Worrell, Thomas Shaw, Henry Neale, Richard Farr, Robert Bishop, Phillip Austin, Jonathan Franklin, Samuel Cox, Wm. Harris. Copy. 1 p.*

1591. ii. Presentment of the Grand Inquest of Barbados to Governor Crowe. Return thanks to H.E. for having the Court of General Sessions held more regularly and legally than hitherto, and for the appointment of a Chief Judge who has discharged his trust with moderation and justice. Justice has now its free course and is not made a cloake to arbitrary and particular designs. We return thanks for the *Law to state and settle the public accounts*, which gives hopes that the misapplications and imbezelmets of very great sumes lately raised will be fully discovered and satisfaction made. We esteem it a great happiness that the freedom of election of Representatives has been maintained, and that we are now free from the violence lately used to hinder it. *Pray* for the due application of the 4½ p.c. to the relief of the Island. *Represent* the inconveniences occasioned thro the want of currant cash, and the great benefitt the Island would reap by a trade with New Spain *etc.* *Signed as preceding. 2 pp.*

1591. iii. Address of the same to George Lillington, Chief Judge. Return thanks for his moderation and justice, *etc.* *Same signatures. 1 p.*

1591. iv. Presentments of the same to C. J. Lillington. *Pray* that the Laws be put in execution, especially agtt. those common and crying sins profane curseing and swearing. It is indispensibly necessary that publick schools be erected. Nothing can more contribute to the prosperity of a countrey then the unity, naturall love and affection which the inhabitants have for the place of their nativity, and especially when alwayes trained up in it, *etc.* That the bridges and highways be repaired, and the great bridge called Indian Bridge to the Bay be rebuilt. We present a common nuisance and scandall, the multitude of negroes resorted to the town of

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St. Michael on the Lords Day *etc.*, revelling, gameing, swearing and caballing to robb, *etc.* That the streets of St. Michael's be always kept clean and paved and the common shores opened, and noe hoggs suffered to runn about the streets, or be tyed in any part of the towne, which is too frequent, or heaps of dung *etc.* suffered. That the publick wharffes be repaired, and the chanell cleared, for want of which the trading people doe greatly suffer. That the public offices may be reformed and regulated, the extravagant ffees and exorbitances of the Chancery Office relateing to the depositt money may be effectually redressed by some wholesome law. *Signed as preceding. 2 pp. The whole endorsed, Recd. 17 Sept., Read Oct. 27, 1708.*

1591. v. Abstract of Naval Officer's List of ships entred and cleared in Barbados, March 25–June 24, 1708. 56 ships. 2,695 tons burthen. Sugar, 212 hhds., 65 tierces, 744 barrils. Molosses, 604 hhds., 166 tierces, 136 barrils. Rum, 1,864 hhds., 1,322 tierces, 1,005 barrils. Lime juice, 13 barrils. Cotton, 110 baggs. Ginger, 25 bags. *Endorsed as preceding. 1 p. [C.O. 28, 11. Nos. 18, 18.i.-v.; and (covering letter and enclosure v. only) 29, 11. pp. 306–309.]*

[June 28.] **1592.** Lt. Governor Usher to the Council of Trade and Plantations. I have nott bin honoured with any lines from your board since May 23, 1704. H.E. is nott pleased to communicatt any of your letters relateing to the Governmtt.; butt att all times I have given to your Ldpps. accott. of whatt comes under my cognizance. As to ye Assembly of the Province, they are a standing Assembly, and there hath bin butt one new choice in eightt years. My Lds., I have att all times in obedience to H.E. orders gon into the Province, itt's H.E. pleasure to write to the Councill to transactt matters in absence of Governour and Lt. Governour; and these frequently actt when butt three, as may apear per Minuitt Councill, though Instructions say they shall nott actt withoutt Governour or Lt. Governour, Major Vaughan declared noe nede of a Lt. Governour, for they could actt withoutt. In obedience to H.M. letter, May 6, 1706, in case Thomas Allen, I wentt into the Province; The Treasuror moved my travelling expences to be alowed, Vaughan with abundance of anger and incivillity said itt oughtt nott, because I wentt on a private case; your Ldshps. will finde by exceptions to ye accotts. the Queen's revenue embezeled (onely to maintain law suite betwene Mr. Allen and Walderen) above 1,200*l.*; hope mony wrong aplied will nott be allowed, besides ye sum excepted agt., am informed Penhollow hath subscriptions for 2,000*l.*, some subscribe 100*l.*, some 50*l.*, 20*l.*, 10*l.* *etc.*, as Wm. Partridge, Jno. Knights, Capt. Hunckins, Capt. Garish, Capt. Wentworth; three sea Comanders to maintain ye law suite agt. Mr. Allen, to hard my Lds. nott onely to have subscriptions of private persons, butt mony outt of Queen's revenue. In hearing Mr. Allen's case Walderen produced a

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pretended dede to one Whelewrightts, in weh. they become tributary to ye Indians, and ye Governmtt. to be under Masathusetts, sett up agtt. the King's title; same pleaded to, and in reasons of apeal, grounds his title of porestion from the Indians grantt, upon inquiry Mr. Whelewrightt came into the Country many years after date of sd. dede. Walderen being producer, judge to be the author; soe forgeing, cutting outt of Records, and lying noe crimes in Vaughan and Walderen, as may appear per Mr. Allen's case. My Lords, receiveing orders from Wm. Blathwaitt, to send the accotts. of province to be laid before my Ld. High Treasurer, in Dec. lastt wentt down, Vaughan dd. his accts., butt noe vouchers or rects., pretended sentt them to Deputy ordr. [=? Auditor]: butt deputy ordr. never did se them, judge excuse falacious. Nota. To actt fairely above board made my exceptions to ye accotts. in Councill thatt things mightt be cleared; The Treasurer haveing noe Commision from H.E., writt ytt. he mightt have Commision and give security for his place, weh. he waved; am sencible of my own weakness, butt truth is ye rule I walk by, for same am hated, and ill treated, am informed my Ld. High Treasurer intends to send a Treasurer, judge may nott be amiss to have Collector's place towards his suportt and to be of the Councill; judge for H.Ms. service all vessell enter and clear att New Castle; and there loade and unloade, unless a permitt from the officer, haveing a waiter, and they paying the waiter, for some thousands of pounds in silks and fruitt is imported into the countrey from Lixa, and Newfoundland, as Officer's judge will give accott. As to the vastt spoile and damage in cutting trees fitt for H.M. service, judge H.M. Surveieur woods will render accott., if speedily some strictt care be nott taken, H.M. navy cantt be suplyed, conceive noe way butt by Actt Parlimtt., persuantt to an Instruction I humbly presentt some heads for prevention thereof. Your Lordships knows the Crown hath a rightt in Province N. Hampshire, Province Main, and to Eastward where all masts are. As to trade in country the greatt advance merchants have on yere goods (by reason peices § goes for 6 ps. 15 dwtt.) thatt the country is putt upon good husbandry; in woollen manufactory; ytt. whatt doth costt of the merchantt 5s. per yd. can make as good and more serviceable for 2s. 6d. yd.: the mony weh. goes outt of the country; by reason of paper bills to pas in all paymmts. into ye revenue will bring matters to ytt. pass, thatt a Governour shall have noe mony; and will be prejudiciall in time to woollen manufactory in Brittain. My Lords, the war hath and still doth press hard upon Massathusetts and N. Hampshire. The Governour hath bin very carefull for defensive partt, and being onely on defensive, we waste away; we wantt a good souldiour to manage the war, wittness the horrible shamfull miscariage to Portt Royall, nothing like a Viceroy over all: the dutys of imposte and excise (as in Sir E. Andross time) if well looked after in Massathusetts Governmtt. would make 2,000l. per annum clear, I know a person would give 1,000l. per annum for excise; and now by reason of salaries and remisnes make nott above 500l.

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clear, butt acknowledge sd. matter too greatt for me to inform. My Lords, if H.M. would be pleased to send souldiours and arms for the ffourtt, mightt be of service, for att presentt there is butt eightt in the sumr. and foure in ye winter belonging to ye fourtt, above all things I requestt H.M. would give 100*l*. sterling towards building a bridge to goe from mainland to ye Island, by means of wch. the ffourtt may have speddy releife and succour, and without wch. cannot; if H.M. pleas to grantt the same, with what I can have here by subscription will ingage to perform the same, ye necessity of wch. Col. Romer can inform your Lordships. In H.M. letter Aprill 23, 1703 to settle a constantt and fixed allowance on Governour and Lt. Governour withoutt limitation of time, att presentt onely afixed 160*l*. per annum on ye Governour dureing time of his being in Govermtt., if another Governour comes, noe allowance affixed, I know noe better way to have a fixed allowance then to have the Law repealed for salary to Assembly, by reason noe allowance to Governour nor Councill, which if done, the Assembly will sooné pass an Actt for suportt of ye Govermtt., then to sett in Assembly without allowance; I know of noe remedy better then this, wch. I humbly offer to consideration. By reason of mony misaplied of the revenue, there are greatt complaintts of souldiours and others, they are keptt outt of there mony for 3 or 4 years, wch. a hardship on poore people mustt confess. Wm. Partridge, Wm. Vaughan and Richd. Walderen the actors of all, att presentt, Vaughan and Walderen nott to be called to accott. for any of there actions. I herewith send copy of a letter from Mr. Penhollow on his behalfe, shall onely say, he was nott of ye Councill before the presentt Governour arrived, ye more excuseable, butt whatt pastt, he being of the Councill and Treasurer, oughtt nott to pas any Actt in Councill, nor pay mony; butt persuant to the actts for wch. itt was raised. For aboutt two years recd. noe orders from H.E. to ye Govermtt., and when have gon in obedience to H.M. letter, recd. nothing from him, ytt. when I sett in Councill desire to know if they have anything to offer always answer noe, when I leave the province offer ye same, and answer noe, as may be seen by Minuitts Councill. Findeing spending my time for H.M. service chargeable and to be sleighted and have the goe by, to pleas Walderen, having ever bin uprightt and faithfull in dischargeing of my duty, withoutt any sinister ends, and my estate being 3,000*l*. the worse for serveing Crown Govermtt. humbly pray a dismission from the Govermtt., ye wch. serveing of ye Crown hath incombered my estate very much. My Lords, Bookes Records, by King Wm. ordered to be in Secretary's office, butt the Govermtt. in Hincks' time Presidentt (ytt. is presentt Councill and Assembly) ordered Records into Vaughan's custody, whoe itt's judged cutt 23 leaves outt, I proposed to ye Governour Records to be in Secretary's custody, replied Assembly had ordered them into Vaughan's custody, and there mustt be, wch. with submision is wrong, likewise, Vaughan nott a person to be trusted with them, Vaughan had a dede for lands intailed upon his heire male, Vaughan imbezeled the dede, to

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wrong the heire, his son did acquaintt the Governour, whoe informed me of itt; pittty things are carryed on as they are for sake mony; moste persons holding there places by reason thereof. There is a new Sheriff, butt noe security taken from him for faithfull discharge of ye place, noe officers butt whome Walderen will advize to, crave excuse for my prolixity, *etc.* Signed, John Usher. Endorsed, Recd. 28th, Read 29th June. No date. Holograph. 3 pp. Enclosed,

1592. i. S. Penhollow to Lt. Gov. Usher. Portsmouth, Jan. 16, 1707. Acknowledges instructions as to payments and accounts. If anything has been wrongly applied, the fault could not be in me, having vouchers and receipts to a farthing *etc.* Prays for a favourable construction *etc.* Signed, Samull. Penhollow. Endorsed as preceding. Copy. $\frac{3}{4}$ p.

1592. ii. Lt. Governor Usher's exceptions to the accounts of several Treasurers of N. Hampshire. 1697-1702. Repeats charges against John Hincks, Wm. Vaughan and Richd. Walderen. The money paid to Major Vaughan as Agent for the Country was really for his acting as Attorney to Richd. Walderen. There are no accounts on file and he refuses to give them. Though paid for keeping the Records, when he at length brought them back, 23 leaves were found to be cut out (1702) *etc.* Signed, John Usher. 2 pp.

1592. iii. An Account of the Expedition to Port Royal. May 13, 1707. The Fleatt saled from Nantaskett aboutt sunrise. 14th. Discovered land about noon, judged to be Fox Islands. 15th. Early discovered Mountt Desertt; aboutt noone Col. Rednap came aboard. Capt. Wentworth complained for wantt of men, and went aboard the man war, soone after Col. March with Col. Wainwrightt, when presented an order to sign what was dd. 16th, 17th. Att Mount Desertt. Councill war cald aboard the *Betford* resolved Cuninghame with his sloop should goe to surprize the looke outt att the Gutt, and to land men on east side river, oposite to Goat Island. 18th. Fogg. Pilotts and others blamed the Mar. man war for nott harbouring att Mount Desertt to prevent the hazard of looseing the Fleett. 19th. Boare away for Mountt Desertt, where gott safe about 8 a clock, and had accott. of 8 of our sloopes 6 leaugs to eastward. We anchored in litle Menis. 20th, 21st. Foggy. In harbour. 22nd. The galley came in. 23rd. Came to sale aboutt 8 a clock discovered severall sale to windward. 24th. Aboutt noone came to an anchor of(f) the Wolves. Major Span wentt a shoare found a baskett fresh eggs and fresh fyer, considerable number of men to scoure the place, butt found nothing. 25th. In morning came to sale; fresh gale. Sacum and Cuninghame dispatcht for the Gutt to surprize the looke outt, all lay by till 8 a clock in evening, then made sale for ye Gutt. 26th.

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In morning by break a day before the Gutt, being tide of Eb lay by till aboutt noon. The 2 sloopes returned, Cuninghame told us the men did nott land being afraide, though saw noe body, att the entry fired the alarm gun, comeing in saw some looke outt and fired on them : *Q.* How came we to lay by, when a brisk gale, when ytt. we mightt have bin up att once ? *27th.* We all anchored lan(*d*)ed our men safe, the Easter body aboutt 2 miles below Greatt Island, and leftt hand party aboutt a mile below, wch. was of ill consequence, impossible for either party this nightt to gett ground near the ffourtt, the tide of Eb broughtt all the country folkes in down the River Menis by reason Giles and his men were fired att when Gen. March and his men went ashoare. Capt. Southwark, Col. Rednap, — ? and Mr. Dudley returned aboard the galley. *Q.* Why a Secretary of Warr should tarry behinde his Genll. ? Capt. Wentworth and 2 boates crew ranged Goate Island on ye fourtt side, 2 boates crew landed shooting chattell, then the galley boate joined wentt ashoare att Melampois' house, the place being full of chattell killed many, we found the ffyer fresh butt the House deserted. We mett with some of Col. Apleton's men whoe had a skirmish wth. aboutt 60 Indians, nott a man of ours hurtt. *28th.* In the morning Capt. Stukely said he would suffer noe more boates to goe ashoare, butt sentt his sloop and boates to fetch of chattell, several other boates did the like, a whale boate did come aboard with aboutt 20*l.* plunder, att same time we did se greatt ffyer and smoake near the ffourtt, wch. continued day and nightt. Judge the Fr[ench] burning there houses and woods in order to se our approaches. Upon this Captt. Stukeley manded his sloop, he with Col. Rednap, Capt. Wentworth went up within gun shott of the fourtt. *Q.* Why the army mightt nott have landed as near. We had exspress from Genll. March which gave accott. they gott a shoare att Allen's Mill, all along the side lined with armed men, the Governor wth. others rideing aboutt, as soone as our men apeared on ye marsh, ye Fr[ench] fired like hale on them, our men answered briskly, forded the river, beat them of the Banck, shott down the Governor's horse, butt Governor reed. butt litle harm, the Fr. ran to ye ffourtt as fast as they could, our men being landed att soe greatt a distance, haveing soe greatt a fateague could nott persue soe brisk as would have done, we had some men wounded, none kil'd. This day 2 deserters came over, they say thatt Lay Bonde had broughtt 60 men from Canada to man there galley, and all the river men butt aboutt 40 were in the ffourtt. *29th.* Our men had a small skirmish or two, judge wounded and kil'd severall. This morning a party of Indians wentt over the river to ambush Col. Apleton

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aboutt 50, our scoutt foughtt them drove back, we lostt 2 men. 30th. A cannoo attempting to goe over, our people fired, noe greatt damage, though we recd. severall canon every day. These 2 days faire and moonlightt, and could nott have the artilery though promised. The deserters give accott. aboutt 500 in the ffourtt. 31st. The Fr. fired all the houses from the Church to the ffourtt, transporting there goods all day long from there warehouses. Fr. fired there canons, a bomb fell in our lodgings, Col. Rednap and Secretary D. hastened aboard the ships, in the evening Col. Apleton sentt 2 prisoners, some of Capt. Oatis' men stragling withoutt ye line shott down, scalpt, and we had 20 men lookeing on, asked why did nott goe to yere help, answered had noe orders, all caryed on confusedly. The ground Col. Rednap marked outt impossible for our artilery to be thither broughtt. Fr. never expected us there, butt on other side the ground seizable. And now our greatt and fatall Councill satt to finish all. Col. Rednap opinion being asked declared nott to break ground (though our artilery there) by reason of disobedience and insufficiency of our men, nott being persons proper for him to venture his reputation on, and reply was made, our orders are otherwise then to send : this point gain'd, caused a consentt in all others. Adieu Rednap and Secritry, scared outt of there witts. June 1st. Col. Burril come tells Genll. March ytt. moste his men refused to goe the march. Genll. March sd. he would give no other orders they being positive. Col. Wainwrightt wentt and perswaded the men to march. 2nd. 4 deserters did come outt of ye ffourtt, informing state of the same, weh. gave a new life, ytt. thereupon a Councill war cald, and a letter sentt for Col. Rednap, Secretary and Capt. man war. 3rd. This day satt still, till noon, Capt. Bointon's party came in telling us they had destroyed aboutt 70 houses and barns, corn and chattell etc. This evening a dark discouraging answer came from Col. Rednap and sea captain to discourage all ; as soon as duskish Capt. Walton with other officers and party of men fired the Church, the warehouse, ye Governour's and Commistioner's house with all the restt of houses near the ffourtt, our men continued all night with drums beating, trumpetts sounding, with all the bravery and courage ytt. could be. 4th. We lay still till aboutt noon when C. Southwik and severall mars. [masters] aboutt 30 : a Councill cald, all agreed butt C. Homes and Frothingham to have the artilery broughtt over agtt. the ffourtt, on north side river, to bombard itt while atacked on ye other side, butt some of our Commanders desired of the Genll. to give there reasons agt. the voate att noone (this was after C. Southwark was gon with orders to procede with artilery) weh.

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granted Major Walton and C. Homes discoursing voted to revoake the order of ytt. day, on wch. orders given to fier all the restt of the Houses, wch. accordingly done, and by sunrise we were gon. 5th. All gott to sale, without firing a gun, after we were down a greatt bomb came to bid us adeiu. Reasons urged for not tarring, was impossibillity getting ye ffourtt, difficulty getting provision for men, by sending 60 or 100 men att a time for itt, if faire wether would be exposed to [to] by 18 greatt guns and mortars always playing, time long, and greatt expence the Country would be att, though told ye Country never limited to time or expence. 6th-12th. Sale for Boston. 13th. Hill from Boston with letters for ye cheife. 14th. Walters ordered to sale with the Imbasidors, afterwards all ordered to Casco Bay. 15th. Came to an anchor in Casco Bay. Reasons of miscarige :—(1) Genll. orders to ambiguous, not rightly and truely comprehended by any and misconstruted by moste, besides private whispers and discourses, before wentt from Nantaskett. (2) A genll. deficiency, in genll. want of seamen, ytt. mightt have bin suplyed, had warrantts bin allowed to ye mars. of each transportt, as was to some. (3) Wantt of due anchoring and harbouring, teste pilotts. (4) Sending Capt. Giles into Pasamquadi without others, by wch. ye French escaped. (5) Laying by 25th May of the Wolves, when Lawrance etc. was sentt to looke outt, butt by stress of wether could nott, had we followed in an houre or two after them, or sent them away in the nightt, in all probability we had surprized the enemy, and done our worke more effectually. *This document, without date or signature, is in the hand and style of Lt. Gov. Usher. Endorsed as preceding.* 3 pp.

1592. iv. Copy of heads of an Act proposed by Lt. Governor Usher for preserving trees fit for H.M. Navy and establishing a nursery therefor. *Same endorsement.* 1½ pp. [*C.O.* 5, 864. Nos. 225, 225.i-iv.; and (without enclosures) 5, 912. pp. 436-444.]

June 28.
Whitehall.

1593. Council of Trade and Plantations to Governor Lord Lovelace. Notwithstanding H.M. Instructions to your Lordship, there are several other particulars relating to your Government of New Jersey, which we think ourselves obliged to take notice of to your Lordship. The Lord Cornbury having had some doubts in relation to fines, forfeitures and escheats, and to the appointing of a Ranger of the Woods, we consulted H.M. then Attorney General thereupon, and inclose a copy of his report. Having received from the Lord Cornbury several Acts past in New Jersey in November, 1704, we considered the same and transmitted to his Lordship our observations thereupon, that he might lay those observations before the Assembly for their consideration and amendment of the said Acts, before we presented

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them to H.M. for Her consideration. But, not having received any answer from the Lord Cornbury, we think it necessary to repeat our forementioned observations to your Lordship, that, upon your arrival in New Jersey, you may consult the Assembly and give us further light in that matter. *The Act for the settling the Militia*, in the last proviso but one, enacts, that the sums of mony thereby to be levied, are to be paid into the hands of the Receiver General or Secretary, or such other person as the Governor under his hand shall appoint, and the mony to be applied also to such public uses as the Governor shal direct; whereas we think that public moneys ought only to be paid into the hands of the Receiver General, and the uses to which it ought to be applied for the support of ye Government should be expressed in the Act, and not left at large as it is in this: which we desire your Lordship therefore to be mindful of in the future. Tho the design of the *Act for uniting and quieting the minds of all H.M. subjects in New Jersey* be very good, yet there are some clauses in the Act, which render it unfit for H.M. royal confirmation, viz., that it pardons (amongst other crimes) all high treasons, murders and piracy committed before Aug. 13, 1702, whereas H.M. has reserved to Herself, by Her Instructions to you, the pardoning of these crimes; which crimes are alway excepted in Acts of the like nature here, and therefore we desire your Lordship to endeavour to get this amended in another Act to be passed for the like purpose. We have no other objection to the *Act for altering the present Constitution, and regulating the election of Representatives etc.*, but that it dos not regulate the quantity of acres necessary to qualify persons to elect or be elected Representatives in the General Assembly. Your Lordship will see by H.M. Instructions what is intended upon that matter, viz. that 1,000 acres of land or 500*l.* personal estate should qualify persons to be elected, and that 100 acres of land and 50*l.* personal estate should qualify to be electors: But if your Lordship find this regulation too high, you may endeavour to get a new Act passed for proportioning that matter otherwise. In the meantime this Act will remain in force, without being confirm'd by H.M., and your Lordship will make a suitable use of your Instructions in that behalf. We must desire your Lordship, upon transmitting of Acts, that you be particular in giving us your opinion upon each respective Act, together with the reasons for passing the same, in such manner as you are required by your Instructions. A complaint having been made by the Proprietors of the Western Division that the Lord Cornbury has caused their late Secretary to deliver all public books, papers and records to Mr. Bass, Secretary of the Province, and that their records of Deeds had been carried out of the Province, which may be of great prejudice to the said Proprietors, we are of opinion (and accordingly signified the same to the Lord Cornbury), that all books and papers, deeds and evidences, relating to the proprietorship of the soil, be not taken out of the hands of the Proprietors' Agents, and therefore, if this be not remedied, your Lordp. will do well to give directions therein. The Lord Cornbury having informed us that an opinion had

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lately been started in his Governments, viz., if he send any orders to New Jersey, relating to the affairs of that Province, whilst he is resident at New York, they are of no force, and so the same of his sending orders from New Jersey to New York; we think it necessary to acquaint your Lordp. that it is a very trifling and extravagant opinion, the contrary being practised every day here by the Lords Lieutenants of Counties, and particularly by the Lords Lieutenants of Ireland, who frequently send orders into Ireland whilst they are resident in this Kingdom. Having had occasion to consult Sir E. Northey, H.M. late Attorney General, in relation to probate of wills at New York, we inclose a copy of his opinion which may be a guide to your Lordp. in all future occasions. Not having received from New York or New Jersey any Minutes of Council or Assembly, nor any Naval Officers' lists of ships entred and cleared, nor accounts of the Revenue since the Lord Cornbury's Government we must desire your Lordp. upon your arrival there to give the necessary directions that the said Minutes, accounts etc. for the Lord Cornbury's time be transcribed and sent us by the first opportunity, and that your Lordp. do transmit to us quarterly transcripts of all such Minutes etc. as shall be made from time to time according to your Instructions, that we may be the better enabled to lay before H.M. a true state of matters as they may occur. H.M. having been pleased to confirm several Acts passed at New York, we inclose H.M. Orders in Council of May 20, 1708, for that purpose, and for repealing an *Act for restraining and punishing pirates*. Repeat reason. Both which orders your Lordp. is to cause to be published, and entred in the Council Books, as usual. The Lord Cornbury having transmitted to us a remonstrance from the Assembly of New Jersey to him, with his answer thereunto (a copy whereof is here inclosed) we have considered the same and made the following observations thereupon, which we think necessary to communicate to your Lordship. *Article 1.* It appears evidently by the Lord Cornbury's Commission, that he has no power to pardon treason and wilful murder; but, in such cases, he is allowed to grant reprieves to the offenders untill, and to the intent, H.M. royal pleasure may be known therein. In order whereunto he is, with all convenient speed, to transmit to H.M. a full state of the matter of fact relating to such offenders, which we do not find that the Lord Cornbury has done. Upon this occasion we must take notice to your Lordp. that the want of prisons in New Jersey is a matter proper to be laid before the General Assembly: your Lordp. will therefore represent to them the necessity of having such prisons built, that they may grant a sufficient fund, which may be appropriated to that service. *Article 2.* As to the complaint of *paying the fees of Court, tho the Bill of Indictment be not found by the Grand Jury*, we are of opinion that the person accused not being properly in Court till arraigned before the Petty Jury, no fees till then can be demanded. *Article 3.* 'Tis true that the probate of wills and granting of letters of administration is by H.M. entrusted with the Governor: yet we do not see that the settling such an office in each Division

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in New Jersey, as proposed by the Remonstrance for the ease of H.M. subjects there, will be a lessning of the rights of the Prerogative, or of the Governor. *Article 5.* We are of opinion, notwithstanding the Lord Cornbury's Answer to the Remonstrance, that such a patent for the sole carting of goods, as is therein mentioned, is a monopoly within the 21st Jac. I. cap. 3. *Article 6.* We are also of opinion that no fee is lawful, unless it be warranted by prescription, or erected by the Legislature, as was adjudged in Parliament in the 13th Hen. IV., in the case of the Office then erected for measure of cloths and canvas. vid—Cook's 2: Inst: fol. 533, 534. *P.S.*—Enclose Order in Council, June 26, confirming Act *vacating extravagant grants*, and repealing Act of *repeal etc.* Enclose packets to be forwarded to Governors. [*C.O.* 5, 1121. *pp.* 282–290.]

[June 28.] **1594.** Full names, ages and trades (chiefly agriculturists; one stocking maker, one clerk, one smith, one carpenter, one weaver) of the German Refugees. See April 28 and May 28, 1708. Set out, *N.Y. Docs.*, v. *pp.* 52, 53. *Endorsed*, Reed. Read June 28, 1708. 2 *pp.* [*C.O.* 5, 1049. *No.* 76; and 5, 1084. *No.* 36.]

June 28. **1595.** Council of Trade and Plantations to the Earl of
Whitehall. Sunderland. Enclose following to be laid before H.M.

1595. i. Council of Trade and Plantations to the Queen. Report upon petitions of John Rayner (May 10, 1708), and Sampson Broughton, June 23, 1707. Set out, *Acts of Privy Council*, II. *pp.* 522–526, and *N.Y. Docs.*, v. 49, *q.v.* Lord Cornbury has given us no account of his proceedings in relation to Broughton. Contrary to your Majesty's warrant, he has refused to admit him to act as Attorney General, without assigning any crime or misdemeanour for his refusal. *Quote* Sir E. Northey's testimony as to Broughton's ability. If the Lord Cornbury had any just objections, he shou'd have made them known for your Majesty's further pleasure therein. We find no objection to Broughton. As to the objection that your Majesty's Letters Mandatory were obtained without any report first made by this Board, there is no weight in that, the disposition of offices being intirely in your Majesty. On the other hand, we have no objection to Rayner. [*C.O.* 5, 1121. *pp.* 274–281.]

June 29. **1596.** Council of Trade and Plantations to Mr. Secretary Boyle. Representation in favour of treating the 14 newly arrived German Refugees as those of April 28. Set out, *N.Y. Docs.*, v. *pp.* 53, 54. [*C.O.* 5, 1121. *pp.* 291, 292.]

June 29. **1597.** The Earl of Sunderland to the Council of Trade and
Whitehall. Plantations. My Lord Lovelace having intimated to me that the New Jersey Company desire that Mr. Lewis Morris may be of the Council in that Plantation instead of either Mr. Cox or Mr. Sonmans, I desire your opinion to lay the same before H.M.

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Signed, Sunderland. *Endorsed*, Recd. June 30, Read July 1, 1708. 1 p. [C.O. 5, 970. No. 75; and 5, 994.A. p. 449.]

June 29.
Whitehall.

1598. W. Popple to Rich. Savage. Encloses extracts of Col. Quarry's letter, Jan. 10, 1707, to be laid before the Commissioners of Customs. [C.O. 5, 1292. p. 55.]

June 29.
Whitehall.

1599. Council of Trade and Plantations to the Earl of Sunderland. *Enclose* following to be laid before H.M. and forwarded by the Lord Lovelace, who is upon his departure for New York. *Enclosed*,

1599. i. Council of Trade and Plantations to the Queen. *Enclose* following Additional Instruction for all your Majesty's Governors, as also to the Proprietary and Charter Governments in America (except Pennsylvania, which will be prepared when the new Governor goes over) pursuant to the severall Acts of Parliament relating to Trade and Navigation past since your Majesty's former Instructions to the said Governours directing them strictly to observe the said Acts.

1599. ii. H.M. Additional Instruction to Governors *as preceding*. Given at our Court at Windsor, July 3, 1708. Whereas in the 3rd and 4th year of our Reign an Act of Parliament has been past for granting a further subsidy on wines and merchandize imported, wherein there is a clause, *quoted*, including rice and molosses among the enumerated commodities obliged to be imported from the Plantations into England, Wales or Berwick, It is therefore Our Will and Pleasure that you take particular care that the said clause be strictly complied with, as also the Acts for encouraging Naval Stores, for an Union of England and Scotland, ascertaining the rates of foreign coins, and for the encouragement of the Trade to America, etc. [C.O. 324, 9. pp. 209-217; and 5, 727. pp. 47-50; and 5, 210. pp. 102-107; and 5, 912. pp. 427-430.]

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1600. William Penn to the Council of Trade and Plantations. Honorable frds. I spoak to you when I last waited upon you, to lett things return to their former method and ballance, and hinted at the manifold mischiefs yt. followed that Bord's breaking of it, in favour of a few factious tempers, contenananced by some then of that bord, and sent thither to perplex our Govermt. that came mean into the Country, and yt. are become considerable by it; An uphill work I have found it, and God forgive the instrumts. of it. I hope therefore you will think fitt to returne and countenance the Union, so needfull to ballance partys in their severall partialitys, the only way where privat interests perplex the publick tranquility, and give the administration loads and difficultys yt. are next to invincible, at least protract time, and often expose Govermt. to a cheap[n]ess, if not absolute contempt. Next, the Bord's entering upon my

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title to the Lower Countys, after so solemne a Deed of possession given me, without any publick opinion (known to me) of men of honour and ability of ye common or civill Law, I believe you will upon second thoughts, look upon as very severe treatment. God knows how I took it, what it has cost me of time, pains, mony and attendance ; made difficult by the Philistines aforesayd ; wherefore please pray to let it not be exprest to the Queen's right at large but add yt. of Govermt., of ye Lower Countys, weh. was all the Bord at worst pretended to, as many papers and discourses have intimated, weh. I am ready to signe ; and as yt. was the true intent of ye declaration I submitted to, till I either surrendred my Govermt. at large, or got, in consideration of wt. I have done to encrease the Revenue of ye Crown, ye Govermt. thereof accorded me by a Patent for ye same, so Honorable ffrinds, consider my circumstances, my merrit reported by ye last Bord itselfe, and yt. I have neither been an idle nor useless person to ye Publick ; and make the present case as easy to me, and to this Gentleman as expeditious, as your good sense and good humour, as well as Justice and equitable consideration of things will allow you. I am wth. great respect, Your ffaithfull Friend, *Signed*, Wm. Penn. *Endorsed*, Reed. Read June 30, 1708. *Holograph*. 4 pp. [*C.O.* 5, 1262. No. 46 ; and 5, 1292. pp. 56-58.]

June 30. **1601.** Wm. Popple to Wm. Penn. *In reply to preceding.*
Whitehall. The Council of Trade and Plantations cannot alter the form of the Declaration which you are to sign, by reason they are tyed up by H.M. Order in Council, June 26, *q.v.* [*C.O.* 5, 1292. p. 58.]

June 30. **1602.** Same to Wm. Lowndes. Encloses draught of former
Whitehall. bond, approved by Sir E. Northey, for security for Lt. Governor Gookin, *etc. Annexed*,
1602. i. Draught of bond referred to in preceding. [*C.O.* 5, 1292. pp. 60-63.]

June 30. **1603.** Col. Jory to the Council of Trade and Plantations.
Bethnall The persons in your list [*for the Council of Nevis*] are as good
Green. as the times and place affords. *Signed*, Jos. Jory. *Endorsed*,
Reed. Read July 1, 1708. $\frac{1}{4}$ p. [*C.O.* 152, 7. No. 50.]

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